

## The Gazette



## of India

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No. 12] NEW DELHI, SATURDAY, MARCH 25, 1961/CHAITRA 4, 1883

## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 16th March, 1961 :—

Issue No.	No. and Date	Issued by	Subject
45	S.O. 539, dated 15th March, 1961.	Election Commission, India	Proposals in regard to the matters mentioned in section 3 of the Two-Member Constituencies (Abolition) Act, 1961 as respects the State of Kerala.
46	S.O. 540, dated 15th March, 1961.	Do.	Proposals in regard to the matters mentioned in section 3 of the Two-Member Constituencies (Abolition) Act, 1961 as respects the State of Assam.
47	S.O. 590 and 591, dated 15th March, 1961.	Ministry of Information and Broadcasting.	Approval of films specified therein.
48	S.O. 592, dated 16th March, 1961.	Election Commission, India	List of Contesting candidates in the Election to the House of the People from the New Delhi Parliamentary Constituency.
49	S.O. 593, dated 16th March, 1961.	Ministry of Health	Appointing 16th March, 1961 on which the Drugs (Amendment) Act, 1960, shall come into force.
50	S.O. 594, dated 16th March, 1961.	Ministry of Finance	Extending the period of moratorium in respect of the Kottayam Orient Bank Ltd., Kottayam upto 18th May, 1961.
	S.O. 595, dated 16th March, 1961.	Do.	Extending the period of moratorium in respect of the New Bank of India Ltd., Trivandrum upto 18th May, 1961.
	S.O. 596, dated 16th March, 1961.	Do.	Extending the period of moratorium in respect of the Seasia Midland Bank Ltd., Alleppey, upto 18th May, 1961.

Issue No.	No. and date	Issued by	Subject
S.O. 597, dated March, 1961.	16th	Ministry of Finance	Extending the period of moratorium in respect of Venad Bank Ltd., Pulincunna, upto 18th May, 1961.
S.O. 598, dated March, 1961.	16th	Do.	Extending the period of moratorium in respect of Travanco Forward Bank Ltd., Kottayam, upto 18th May, 1961.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

## PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

### MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 16th March 1961

S.O. 606.—Whereas disputes have arisen between the Managements and the Labour Unions in the textile mills in Pondicherry in regard to the implementation of the recommendations of the Central Wage Board for the Cotton Textile Industry in India;

And whereas the implementation of the recommendations, especially those relating to the immediate rise in the wage structure, is vitally connected with certain terms of the Award of the Pondicherry Textile Arbitration Committee, dated 24th November, 1955, which is now in operation in the Pondicherry State as a decree of a competent Court;

Now, therefore, in exercise of the powers conferred by Section 4 of the Foreign Jurisdiction Act, 1947 (XLVII of 1947), and all other powers enabling it in that behalf, the Central Government is pleased to make the following Order, namely:

1. (1) This Order may be called the Pondicherry Textile Mills (Settlement of Dispute) Order, 1961.

(2) It shall come into force at once.

2. (1) The points in dispute between the managements and the labour in the three textile mills of Pondicherry, namely, the Anglo-French Textiles Limited, the Swadeshi Cotton Mills Company Limited, and Sri Bharathi Mills, set out in the Schedule to this Order shall be referred to an *ad hoc* Tribunal for decision.

(2) The *ad hoc* Tribunal shall be appointed by the Chief Commissioner, Pondicherry, and shall consist of a single member.

(3) The Tribunal shall conduct its enquiry at such place as the Chief Commissioner may appoint.

(4) The Tribunal shall have the powers which are vested in a Civil Court when trying a suit, in respect of the following matters:—

(a) discovery and inspection;

(b) enforcing the attendance of witnesses, and requiring the deposit of their expenses;

- (c) compelling the production of documents; ..
- (d) examining witnesses on oath;
- (e) granting adjournments;
- (f) reception of evidence taken on affidavit; and
- (g) issuing commissions for the examination of witnesses.

(5) After the conclusion of the enquiry, on a date to be specified by the Tribunal, the Tribunal shall pronounce its Order in an open sitting.

(6) After the pronouncement of the Order, the records of the enquiry together with the Order shall be forwarded by the Tribunal to the Chief Commissioner.

(7) Subject to the above provisions, the Tribunal shall regulate its own procedure.

3. The Order of the Tribunal shall be binding on the managements and the labour in all the three textile mills of Pondicherry, namely, the Anglo-French Textiles Limited, the Swadeshi Cotton Mills Company Limited and Sri Bharathi Mills, as a decree of a competent Court without any right of appeal.

#### SCHEDULE

1. To give the increase in accordance with the recommendations of the Wage Board for the Cotton Textile Industry.
2. To detail the processes by which the said increase shall be given.
3. To make suitable amendments to the existing Standing Orders including the fixation of an age of superannuation at which workers shall be retired.
4. To such of those workers who have already attained the age of superannuation which will be fixed in accordance with the Term of Reference (3) above and, therefore, should be retired immediately, in view of the fact that the Provident Fund for mill employees constituted and published in arrete No. 319/ITLS, dated 14th April, 1957, has not been in existence for even six years considered necessary to provide fully for their retirement, to decide to what sum, if any, the accumulations in their Provident Fund accounts shall be made up by the Company.
5. To award a new bonus formula in lieu of the existing one.

[No. 50(1)GP/60.]

W. E. ELING, Under Secy.

*New Delhi, the 17th March 1961*

S.O. 607.—In pursuance of clause (a) of section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri V. K. Sathe, Assistant in the Consulate General of India, Muscat to perform the duties of a Consular Agent with effect from the 31st January, 1961 until further orders.

[No. 6(1)-Cons/61].

P. H. DESAI, Under Secy.

#### CENTRAL BOARD OF REVENUE

##### CUSTOMS

*New Delhi, the 25th March 1961*

S.O. 608.—In exercise of the powers conferred by clause (c) of section 11 of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Board of Revenue hereby makes the

following further amendment in its notification No. 23-Customs, dated the 14th February, 1959, namely:—

In the Table annexed to the said notification after entry No. 21, the following shall be inserted, namely:—

"22. Alcohol Storage tanks of Distillers Trading Corporation (P) Ltd., at Old Port, Kandla.	Nil	Alcohol in Bulk."
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[No. 28/F, No. 54/2/60-Cus.IV.]

S. VENKATESAN, Secy.

## OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, BOMBAY

### NOTICE

*Bombay, the 2nd February 1961*

**SUBJECT:—***Seizure of one wrist watch, Indian currency worth Rs. 200, two Goa lottery tickets and one identity card with money purse in Chirekhani Range on 30th March 1960—Customs case regarding—*

**S.O. 609.**—Whereas it appears that the above mentioned one wrist watch was imported by land from Goa without a permit as required under section 5(1) of the Land Customs Act, 1924; and whereas the said watch was not covered by a licence as required by the Government of India, Ministry of Commerce and Industries Order No. 17/55, dated 7th December 1955 as amended, issued under the Imports and Exports (Control) Act, 1947; and whereas the order is deemed to have been issued under Section 19 of the Sea Customs Act, VIII of 1878; and whereas the Indian Currency was imported without a permit as required by the Reserve Bank of India, Notification No. Foreign Exchange Regulation Act 177/59, dated 18th November 1959, as amended issued under the Foreign Exchange Regulation Act and deemed to have been issued under Section 19 of the Sea Customs Act, 1878; and whereas the two Goa lottery tickets were imported in contravention of the Government of India Notification No. 59-Cus, dated 30th November 1940, as amended issued under Section 19 of the Sea Customs Act, 1878. And whereas it appears that the actions of Shri Harishchandra Vasu Naik as a person concerned in these offences attract the operation of Section 7(1)(b) of the Land Customs Act read with Section 167(8) of the Sea Customs Act, 1878. Now, therefore, Shri Harishchandra Vasu Naik is hereby required to show cause to the undersigned why a penalty should not be imposed on him under these sections and why the above mentioned articles should not be confiscated under Section 5(3) of the Land Customs Act, 1924 and Section 167(8) of the Sea Customs Act, 1878.

2. Shri Harishchandra Vasu Naik is further directed to produce at the time of showing cause all the evidence upon which he intends to rely in support of his defence. He is further directed to inform the undersigned whether he desires to be heard in person by the undersigned in the case.

3. If no cause is shown against the action proposed to be taken within ten days of the receipt of this notice, the case will be decided *ex-parte*.

[No. VIII(b)10(3)Cus/61.]

B. K. DOSHI, for Collector.

## CENTRAL EXCISE COLLECTORATE, ALLAHABAD

*Allahabad, the 1st March, 1961*

**S.O. 610.**—In supersession of Central Excise, Allahabad Collectorate Notification No. 11/59 dated 25th November 1959, and in exercise of the powers conferred on me under proviso to Rules 15 & 16 of Central Excise Rules 1944 as amended by Government of India, Ministry of Finance (Department of Revenue) Notification No. 3/58 dated 11th January, 1958 and No. 29/58 dated 8th March 1958 I hereby notify in the enclosed schedule the areas, in which growers and curers of tobacco will be exempt from declaration of their area and yield respectively under the above Rules as amended provided that the area cultivated and the quantity of tobacco cured by a grower/curer does not exceed the maxima specified in Cols.

3 & 4 of the schedule in respect of the areas notified in Col. 2 thereof. The above exemptions under Rules 15 & 16 of Central Excise Rules, 1944, as amended will not apply to fluecured tobacco and tobacco other than flue-cured, used in the manufacture of Cigarettes, smoking mixtures for pipes and cigarettes and Birls.

*Schedule showing Revenue jurisdiction of areas in Allahabad Collectorate exempted under Rules 15 and 16 of Central Excise Rules 1944*

(Enclosure to Allahabad Collectorate Notification No. I-C.E/61 dated 1-3-61)

Sl. No.	Name of Districts or portions thereof	Exempted areas in Acres	Exempted Qty. in K. grams.	Remarks
1	2	3	4	5
1	(a) Entire Varanasi Distt. except parganas Asnao, Kondh and Chauthar of Gyanpur Tehsil	3	45	
	(b) Parganas Asnao, Kandh and Chauthar of Gyanpur Tehsil except villages Sherpur, Godhraj and Gopiganj	Total Exemption		
2	(a) Entire Mirzapur Distt. except portion of parganas Kasiwar and Kantit of Mirzapur Sadar Tehsil lying to the north of river Ganges	3	45	
	(b) Portions of parganas Kasiwar and Kantit of Mirzapur Sadar Tehsil lying to the north of river Ganges except villages, Manwa, Jogpatti, Kaachwa and Khamaria	Total Exemption.		
3. Entire District Ghazipur except the—				
	(i) Villages Anau and Subhan Takia of Ghazipur Tehsil	3	45	
	(ii) Villages Kusi, Dhurani, Dewaitha & Galmar of Zamaina tehsil			
	(iii) Villages Saidat, Daulatnagar, Jalalabad, Mandia, Tandava, Manihari, Burhanpur, Bahariabad, Aurihar, Naikdeh of Saidpur Tehsil			
	(iv) Villages Rajupur, Parasa, Utraon and Chattarpur of Pargana Mohamadabad			
4	Entire Jaunpur Distt. except Jaunpur and Machhalishahar tehsils and parganas Guzara of Kerakat Tehsil	3	45	
5	Entire Allahabad Distt. except Sirathu and Manjhanpur Tehsils and areas within Corporation limits of Allahabad City	3	45	
6	Patti and Pratapgarh tehsils of Pratapgarh District	3	45	
7	(a) Azamgarh Sadar Tehsil except areas within the Municipal limits of Azamgarh City and Parganas Atraulia and Koria of Phoolpur tehsil and whole of Lalganj tehsil excluding pargana Deogaon of Azamgarh District	3	45	

1	2	3	4	5
(b) Entire Sagri Teshil excluding villages—				
	(i) Bansgaon, Jolalapur, Gopalpur, Jamilpur, Azmatgarh & Jeanpur of Sagri Pargana & (ii) V. Maharajanj of Gopalpur Pargana . . . . .	3	45	
	(c) Entire Garha Pargana of Ballia Distt. . . . .	3	45	
	(d) Entire Doaba Pargana of Ballia Distt. except Village Bairia . . . . .	3	45	
	(e) Entire Ballia Pargana of Ballia Distt. except village Chhata . . . . .	3	45	
8	Entire Gorakhpur District . . . . .	3	45	
9	Entire Deoria District . . . . .	3	45	
10	Mahroni, Lalitpur, Girotha and Mauranipur tehsils of Jhansi District . . . . .	4	45	
11	Mau, Karwi, Naraini and Banda Tehsils of Banda District . . . . .	4	45	
12	Jalaun and Hamirpur Districts . . . . .	4	45	
13	Entire Kanpur Distt. except Tehsil Bilhaur . . . . .	3	45	
14	Entire Etawah Distt. except Pargana Lakhna . . . . .	3	45	
15	Entire Meerut District except Municipal & Cantonment areas of Meerut and Town area of Moradnagar . . . . .	4	45	
16	Entire Bulandshahr Distt. except Sikandrabad Municipal area and Khurja Municipal area . . . . .	4	45	
17	Entire District Muzaffarnagar . . . . .	5	45	
18	Entire Saharanpur Tehsil . . . . .	6	45	
19	Nakur Tehsil except Nakur & Gangoh Parganas . . . . .	6	45	
20	Nakur & Gangoh Parganas of Nakur Tehsil. . . . .	4	45	
21	(a) Entire tehsils Deoband and Roorki tehsil except Pargana Jwalapur of Roorki tehsil of Saharanpur District . . . . .	4	45	
	(b) Pargana Jwalapur of Tehsil Roorki . . . . .	3	45	
22	(a) Entire Agra District . . . . .	4	45	
23	Entire Aligarh District . . . . .	4	45	
24	Entire Mathura District . . . . .	4	45	
25	Entire Mainpuri District. . . . .	4	45	
26	Entire Bareilly District except Bareilly Municipal area . . . . .	4	45	
27	Entire Badaun District except Badaun Municipal limits and Sahaswan town of tehsil Sahaswan . . . . .	4	45	

1	2	3	4	5
28	(a) Entire Parganas of Patzpur, Bandaria, Ulai Sahawar, Sidpur except villages Sahawar, Sahawar proper, Sahlot and Dundhra of Kasganj Teh. of Etah Distt.			
	(b) Entire Parganas of Merhera, Etah, Sakit, Sonar Bilram and Pachlana of Teh. Etah . . . . .			
	(c) Entire parigana of Nidpur of Tehsil Aliganj except villages Barhola, Darka-Nagla, Sanori and Marethi . . . . .	4	45	
	(d) Entire pargana of Patiali of Teh. Aliganj except villages Ganjdundwara, Sujawalpur Alipur, Dadar, Allahpur Nagdavoo Samaspur, Barathi and Patiali town area.			
	(e) Entire Jalesar Tehsil except villages Unchagaon, Timarua, Sarai Neem, Bha and Jalesar proper. . . . .			
29	Entire Pilibhit District . . . . .	4	45	
30	(a) Entire Shahjahanpur Teh. except Shahjahanpur city and villages Badshahnagar and Nagar Pal . . . . .	4	45	
	(b) Entire Tilhar Tehsil except Tilhar Town	4	45	
	(c) Entire Tehsils Jalalabad and Powayan.	4	45	
31	Entire Hardoi District except pargana Gopamaui of Hardoi Teh. Pehani village and Shahabad town of Shahabad Teh. . . . .	4	45	
32	Entire Moradabad District except tehsil Sambhal . . . . .	3	45	
33	Entire Bijnor District . . . . .	3	45	
34	Entire Rampur District except Suar Tehsil.	3	45	
35	Entire Almora District . . . . .	Total Exemption.		
36	Entire Nainital District . . . . .	Do.		
37	Entire Pauri Garhwal District . . . . .	Do.		
38	Entire Tehri Garhwal District . . . . .	Do.		
39	Entire Suar Tehsil excluding V. Tanda, Suar Bhat Baqqal and Mustafabad . . . . .	Do.		
40	Entire Thakurdwara Tehsil and Moradabad tehsil except V. Parkwara of Distt. Moradabad . . . . .	Do.		
41	East Dehradun Tehsil excluding villages in M.O.R. Hardwar (i. e. villages lying between the Ganges, Saswan river and Hardwar-Raiwala Railway lines) . . . . .	Do.		
42	Chhoharpur Pargana of W. Dehradun Tehsil and Chakrata tehsil of Dehradun Distt.	4	45	
43	Pargana Tirwa of tehsil Kannauj and pargana Sakrawa and Sakatpur of tehsil Chibramau of Farrukhabad District . . . . .	3	45	

1	2	3	4	5
44	Entire Sultanpur District . . . . .	3	45	
45	Entire tehsils Mohanlalganj and Lucknow except (i) Lucknow Municipal limits, (ii) Amethi (iii) Salempur & (iv) Nag-rani . . . . .	4	45	
46	Entire tehsil Saffpur of Unnao Distt. except villages Bangarmanu, Moradabad, Unwan, Udshala, Bhansar Nausarah, Tejpur; Jegtapur, Hasapur, Raghunapur, Fatehpur Hamza and Khals . . . . .	4	45	
47	Entire Unnao Tehsil except villages Padari, Khurd, Padooda, Atwa & Raithuna . . . . .	4	45	
48	Entire Hasanganj Tehsil except villages Mohaw, Asiwan, Rasoolabad, Hasanapur & Maraiyan . . . . .	4	45	
49	Entire Malihabad Tehsil except villages Mohana, Charoawn, Chandanpur, Nagar Malihabad, Kumrawan, Indara, Narosa & Usarana . . . . .	4	45	
50	(a) Entire Gonda District except Nawabganj tehsil . . . . .	4	45	
	(b) Nawabganj Tehsil . . . . .	3	45	
51	Entire Basti District . . . . .	3	45	
52	(a) Bahraich and Nanpara tehsils of Bahraich District . . . . .	4	45	
	(b) Kaiserganj Tehsil of Bahraich District. . . . .	3	45	
53	(a) Entire tehsil Kheri of Lakhimpur Distt. except the villages (i) Pangi, Kheri, Kunwarpur, Motipur, Paharkhan Ka Purwa of Pargana Kheri, (ii) Ashokapur, Banaha Diha, Jodhapurwa, Katkushwa and Pandari Pargana Srinagar and (iii) Palia of Pargana Palia . . . . .	3	45	
	(b) Entire Tehsil Mohamdi of Lakhimpur Distt. except the villages (i) Mohamdi of Pargana Mohamdi (ii) Barwar of Pargana Pasgawan ; (iii) Kurali of Pargana Haidrabad (iv) Mohammadpur of Pargana Magadpur and (v) Babona of pargana Kasta . . . . .	3	45	
	(c) Entire Tehsil Nighasan of Lakhimpur District except the villages :-(i) Dhaurara Jekhpurwa, Majharia, Abhaipur & Luni-an purwa of pargana Dhaurara, (ii) Bojhia, Idlispur, Isanagar, Bershingpur, Burwa, Kurtay, Rudarpur, Janakpurwa, Hulaspurwa and Ganeshpur of pargana Isanagar (iii) Singhai, Nighasan, Gauraia, Jamahaura, Pandia and Batotha of pargana Nighasan (iv) Paliakalan of pargana Palia. . . . .	3	45	



1	2	3	4	5
54	(a) Entire Misrikh Teh. of Sitapur Distt. except the villages (i) Tiliani, Aunt, Vazcernagar, Scothan, Bhikanpur, Imlia, Saidapur and Meerapur of pargana Misrikh. (ii) Machhretta of pargana Macchhretta. (iii) Gangapur of pargana Gondlamau. (iv) Palla, Paila, Tikra, Chhaba Begampur and Kusaila of Pargana Maholi. (v) Kundera of Pargana Kurauna. (vi) Bansi, Biswan & Faridpur of Pargana Chaudhara. (vii) Aurangabad of Pargana Aurangabad.	3	45	
	(b) Entire Tehsil Sitapur of Sitapur Distt. except the villages:— (i) Khairabad of Pargana Khairabad (ii) Sitapur and Bilhera of Pargana Sitapur (iii) Hargaon, Keotkalan and Turtipur of Pargana Hargaon.	3	45	
	(c) Entire Sidhauri Tehsil of Sitapur Distt. except parganas Mahmoodabad, Sadarpur and South Kundri.	3	45	
	(d) Tambour Pargana lying in the East of Chauka river in Biswan Tehsil except the villages Patrasa, Deorai, Zalampur, Seota, Akbarpur, Dhakia, Roha & Datauni.	4	45	
55	Entire Distt. Faizabad except Ajodhya, Municipal limits of Tanda; Village Khajayan, Surahurpur, Jalalpur, Shahzadpur (Akbarpur).	4	45	
56	Entire Distt. Rae Bareilly, except villages, Jais, Nasirabad, Saina, Chak, Ahora, Tantapur; Bhilampur, Chandai, Mira, Swaya, Pauney Mau Khanduli, Bahai and Kila Rae Barail.	4	45	
57	Entire District Barabanki except:— (i) Villages Paisar, Sidhaur, Amdaha, Partapganj, Mahmudabad, Mitai, Bhari-gaon, Pindha, Abrahimpur, Masauli and Shahpur of present Barabanki Range. (ii) Villages Trilokpur, Kintoor, Tanda, Mohammadpur, Bhagauli, Fatehpur, Madanpur, Ghandoori, Baddosarai, Shahpur, Lalli, Shari and Kathari of present Fatehpur Range. (iii) Villages Bisain, Bahrauli, Tikaitganj, Kurai, Mahmud-Bichunpur, Jahangirabad Bandjinagar and Nidura of present Tikaitganj Range.	4	45	
58	Entire Districts, Chamoli, Uttarkashi & Pithoragarh.	Total exemption.		
59	Entire tehsils Fatehpur and Bindki of District Fatehpur.	3	45	

**CENTRAL EXCISE COLLECTORATE, HYDERABAD***Corrigendum to Notification No. 1/60 dated 18-1-60.**Hyderabad, the 16th March 1961*

S.O. 611.—In the schedule to the Notification No. 1/60 dated 18-1-60 of Collector of Central Excise, Hyderabad, for the entries under Col. (4) against Sl. No. 8, Kakinada Circle, Substitute the following:—

- |   |                                  |
|---|----------------------------------|
| 1. Whole of Pithapuram Taluk                                  | } of the East Godavari District. |
| 2. Whole of Yellavaram Taluk                                  |                                  |
| 3. Whole of Peddapuram Taluk                                  |                                  |
| 4. Whole of Tuni Taluk  |                                  |
| 5. Whole of Prathipadu Taluk                                  |                                  |
| 6. Whole of Samalkota and Sampara<br>irkas of Kakinada Taluk. |                                  |

[No. Va/24/576/60(C)U.I.]

B. SEN, Collector.

**MINISTRY OF COMMERCE & INDUSTRY****TEA CONTROL***New Delhi, the 20th March 1961*

S.O. 612.—In pursuance of section 19 of the Tea Act, 1953 (29 of 1953), the Central Government hereby declares that the export allotment of tea for the financial year 1960-61 shall be 233.31 million kilograms.

[No. 12(4)Plant(A)/60.]

B. KRISHNAMURTHY, Under Secy.

**ORDERS****EXPORT TRADE CONTROL***New Delhi, the 25th March 1961*

S.O. 613.—In exercise of the powers conferred by sections 3 and 4A of the Imports and Exports (Control) Act, 1947 (18 of 1947), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Exports (Control) Order, 1958, namely:—

In Schedule I to the said Order—

Under the heading "A. ANIMALS, FOOD AND DRINK, for entry (xlvii) of item 1-A, the following shall be substituted:—

"(xlvii) Indian Python,"

[No. Export(1)/AM(39).]

S.O. 614.—In exercise of the powers conferred by sections 3 and 4A of the Imports and Exports (Control) Act, 1947, as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Exports (Control) Order, 1958, namely:—

In Schedule 1 to the said Order—

Under the heading "B. RAW MATERIALS AND ARTICLES MAINLY UNMANUFACTURED", after entry (f) of item B-22(II), the following shall be inserted:

"(g) Hull fibre."

[No. Export (1)/AM(40).]

M. H. SIDDIQI, Under Secy.

**(Indian Standards Institution)**

*New Delhi, the 13th March 1961*

**S.O. 615.**—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations 1955, the Indian Standards Institution hereby notifies that the licence, particulars of which are given in the schedule hereto annexed, has been renewed.

**THE SCHEDULE**

Sl. No.	Licence No. and Date	Period of Validity		Name & Address of the Licensee	Article covered by the licence	Relevant Indian Standard
		From	To			
1.	CM/L-63 7-2-1958	17-2-61	16-2-62	The Indian Turpentine and Rosin Co. Ltd., P.O. Clutterbuckganj, Bareilly (U. P.)	Gum Spirit of Turpentine (Oil of Turpentine).	IS: 533-1954 <sup>1</sup> Specification for Gum Spirit of Turpentine (Oil of Turpentine).

[No. MD/12:141.]

*New Delhi, the 14th March 1961*

**S.O. 616.**—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee per unit for certain products/classes of products, details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 20th March, 1961.

**THE SCHEDULE**





Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit
1	Blue-Black Superior Fluid Ink for Writing.	IS: 222-1950 Specification for Blue-Black Superior Fluid Ink for Writing.	One litre	2 nP. per unit.
2	Foam Type Fire Extinguishers.	IS: 933-1959 Specification for Portable Chemical Fire Extinguisher, Foam Type.	One Extinguisher	50 nP. per unit with a minimum of Rs. 1,500/- for production during a calendar year.

[No. MD/18:2].

**S.O. 617.**—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Standard Marks, designs of which together with the verbal description of the designs and the title of the relevant Indian Standard are given in the Schedule hereto annexed, have been specified.

These Standard Marks, for the purpose of the Indian Standards Institution, (Certification Marks) Act, 1952 and the rules and regulations framed there-under, shall come into force with effect from 20th March 1961.

## THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of product to which applicable	No. and title of relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
		Blue-Black Superior Fluid Ink for Writing.	IS: 222-1950 Specification for Blue-Black Superior Fluid Ink for Writing.	The monogram of the Indian Standards Institution, consisting of letters ISI, drawn in the exact style and relative proportion as indicated in column (2) the number designation of the Indian Standard being inscribed in the top side of the monogram as indicated in the design.
		Foam Type Fire Extinguishers.	IS: 933-1959 Specification for Portable Chemical Fire Extinguisher, Foam Type.	The monogram of the Indian Standards Institution, consisting of letters ISI, drawn in the exact style and relative proportions as indicated in column (2) the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.
		Steel Drums and Kegs	IS: 1549-1960 Specification for Steel Drums and Kegs (Galvanized and ungalvanized)	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in column (2) the number designation of the Indian Standard being superscribed on the top side of the monogram and the words "DRUM ONLY" or "KEG ONLY" subscribed under the bottom side of the monogram as indicated in the designs in column (2).
				

[No. MD/17:2].

New Delhi, the 16th March 1961

S.O. 618.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed, have been established during the period 1st March 1961 to 15th March 1961.

## THE SCHEDULE

Sl. No.	No. and title of the Indian Standard established	No. and title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1	IS: 1566-1960 Specification for Hard-Drawn Steel Wire Fabric for Concrete Reinforcement.	..	This standard covers the requirements and the methods of test for hard-drawn steel wire fabric for concrete reinforcement consisting of hard-drawn steel wire with cross wires electrically welded to them. (Price Rs. 2.00).
2	IS: 1632-1960 Specification for Bubbles.	..	This specification covers bubbles, ground, underground and moulded or fabricated, either in cylindrical or circular form intended for use in precision surveying, inspection, and general modelling purposes. (Price Rs. 2.50).
3	IS : 1656-1960 Specification for Processed Cereal Infant Foods.	..	This standard prescribes the requirements and the methods of test for processed cereal infant food intended for feeding infants at the weaning stage as a partial substitute for infant milk foods or for mother's milk (Price. Rs. 4.50).
4	IS: 1657-1960 Specification for Special Infant Foods.	..	This standard prescribed the requirements and the methods of test for infant food intended for feeding infants in special cases. (Price Rs. 1.50).
5	IS : 1706-1960 Method for Determination of Resistance to Wear by Abrasion of Natural Building Stones.	..	This standard lays down the procedure for determination of abrasion resistance (wear resistance) of natural building stones. (Price Rs. 2.00).
6	IS: 1721-1960 Specification for Hair Belting Yarn.	..	This standard prescribes constructional details and other particulars of two varieties of hair belting yarn. (Price Rs. 2.00).

Copies of these Indian Standards are available, for sale with the Indian Standards Institution, 'Manak Bhavan', 9 Mathura Road, New Delhi-1, and also at its branch offices at (i) 232 Dr. Dadabhoy Naoroji Road, Bombay, (ii) Third Floor, 11 Sooterkin Street, Calcutta-13, and (iii) 2/21 First Line Beach, Madras-1.

**S.O. 619.**—In exercise of the powers conferred by sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies the issue of errata slip particulars of which are given in column (4) of the Schedule hereto annexed, in respect of the Indian Standard specified in column (2) of the said Schedule.

#### THE SCHEDULE

SL No.	No. and Title of Indian Standard	No. and date of Gazette Notification in which establishment of Indian Standard was notified	Particulars of Errata Slip Issued
(1)	(2)	(3)	(4)
I	IS: 1056-1957 Specification for Commercial Metric Weights.	S.R.O. 2909 dated 14 Sep - tember 1957.	At page 9, Appendix, A penultimate line in col. 1, please read '1 pound=0.4535924' for '1 pound=0.453924'.

Copies of this errata slip are available, free of cost, with the Indian Standards Institution, "Manak Bhavan", 9 Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 232 Dr. Dadabhoy Naoroji Road, Bombay-1, (ii) Third Floor, 11 Sooterkin Street, Calcutta-13, and (iii) 2/21 First Line Beach, Madras-1.

[No. MD/13:6.]

C. N. MODAWAL, Dy. Director (Marks.)

#### MINISTRY OF FOOD & AGRICULTURE

(Department of Agriculture)

New Delhi, the 15th March 1961

**S.O. 620.**—In pursuance of sub-rule (2) of rule 11, clause (b) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following amendments in the notification of the Government of India in the late Ministry of Agriculture No. SRO 634-A, dated the 28th February, 1957, namely:—

In the Schedule to the said notification:—

- (1) in Part I—General Central Service, Class III, for the heading 'Central Tractor Organisation', sub-heading 'Tractor Training Centre at Budni and Tractor Testing Station at Nagpur' and all the entries relating thereto, the following heading and entries shall be substituted, namely:—

1	2	3	4	5
<i>"Tractor Training and Testing Station at Budni.</i>				
<i>All Posts</i>	Director, Tractor Training and Testing Station.	Director, Tractor Training and Testing Station.	All	Deputy Secretary, Ministry of Food and Agriculture, (Department of Agriculture)"

- (2) in part II—General Central Service, Class IV—for the heading 'Central Tractor Organisation', sub-heading 'Tractor Training Centre at Budni and Tractor Testing Station at Nagpur' and all the entries relating

thereto, the following heading and entries shall be substituted, namely:—

1	2	3	4	5
<i>"Tractor Training and Testing Station at Budni.</i>				
All posts	Director, Tractor Training and Testing Station.	Director, Tractor Training and Testing Station.	All	Deputy Secretary, Ministry of Food and Agriculture (Department of Agriculture)."

[No. 3-3/61-MY.].

SANTOKH SINGH, Under Secy.

**(Department of Agriculture)**

**(Indian Council of Agricultural Research)**

*New Delhi, the 14th March 1961*

**S.O. 621.**—It is hereby notified that under Sub-Section (S) of Section 4 of the Indian Oilseeds Committee Act, 1946 (9 of 1946), Shri Deokinandan Narayan, Member Rajya Sabha, Nair Peth, Jalgaon, East Khandesh, Maharashtra, has been elected by Rajya Sabha as a member of the Indian Central Oilseeds Committee with effect from 1st March, 1961, *vice* Shri Surendra Mohan Ghose resigned.

[No. 8-91/60-Com. II.].

J. VEERA RAGHAVAN, Under Secy.

**MINISTRY OF HEALTH**

*New Delhi, the 18th March 1961*

**S.O. 622.**—The following draft of rules further to amend the Indian Aircraft (Public Health) Rules, 1954, which the Central Government proposes to make in exercise of the powers conferred by section 8-A of the Indian Aircraft Act, 1934 (22 of 1934), is hereby published as required by section 14 of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after 18th June, 1961.

Any objection or suggestion which may be received from any person with respect to the draft before the date specified above will be taken into consideration by the Central Government.

**DRAFT RULES**

1. These Rules may be called the Indian Aircraft (Public Health) Amendment Rules, 1961.

2. In the Indian Aircraft (Public Health) Rules, 1954,—

(i) in sub-rule 1(b) of rule 6, for the words "a copy of that part of the Aircraft General Declaration which contains the health information specified in Schedule II", the words "the health part of the Aircraft General Declaration which shall conform with the model specified in Schedule II" shall be substituted;

(ii) for Schedule II, the following Schedule shall be substituted namely:—

"Schedule II (see rule 6) Declaration of Health.

Persons on board known to be suffering from illness other than airsickness or the effects of accidents, as well as those cases of illness disembarked during the flight.....

Any other condition on board which may lead to the spread of disease.....

Details of each disinsecting or sanitary treatment (place, date, time, method) during the flight. If no disinsecting has been carried out during the flight give details of most recent disinsecting.....

SGD., if required

.....  
Crew member concerned."

[No. F. 15-1/61-IH].

T. V. ANANTANARAYANAN, Under Secy.

## MINISTRY OF WORKS, HOUSING AND SUPPLY

*New Delhi, the 16th March 1961*

**S.O. 623.**—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Works, Housing and Supply No. S.O. 307 dated 28th January, 1959 namely:—

In the table below the said notification, delete the word 'Calcutta' appearing in columns 1 and 2 against Serial No. 5 and Add S. No. 5-A, with the following entries in columns 1 and 2 of the Notification:—

(1)	(2)
5-A. Estate Manager, Government of India, Calcutta.	Premises belonging to, or taken on lease or requisitioned by, or on behalf of, the Central Government in Calcutta including the Districts of 24 Parganas and Howrah except such of them as are under the administrative control of other estate officers.

[No. 14/3/60-Acc.]

R. C. MEHRA, Under Secy.

## MINISTRY OF REHABILITATION (Office of the Chief Settlement Commissioner)

*New Delhi, the 15th March 1961*

**S.O. 624.**—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee property specified in the Schedule hereto annexed in the State of Uttar Pradesh for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires the evacuee property specified in the Schedule hereto annexed.

### THE SCHEDULE

S. No.	Particulars of the property	Name of the town and locality in which the property is situated	Name of the evacuee.
1.	Property No. 202, 203, 203A and 203B.	Sadar Bazar Agra.	Mohammad Saddiq.

[No. 1(1217)58/Comp.III/Prop.]



New Delhi, the 1st March 1961

**S.O. 625.**—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed, in the State of Bihar for a Public Purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the said Schedule.

THE SCHEDULE

Sl. No.	Particulars of the E.P. Agrl. Lands			Name of the Locality	Name of the Evacuee
1	2			3	4
	Kh. No.	Plot No.	Area A. D.	Vill. Chiraiya P.S. Hissua Dist. Gaya.	Abdul Ghabi s/o Karamat Ali of Chiraiya.
1	50 28 51	464 31 193	0.13 0.25 0.38	} 0.76 Acres.	
(As per partition by C.O. Patna) in claim Case No. 36 of 1957.					
2	17	379 385 466 467	2.26 2.17 0.38 1.84	Vill. Rasalpur Saidih P.S. Khizersarai Distt. Gaya.	1. Mohiuddin. 2. Master Fakhruddin. 3. Most. Bibi Umrumn. 4. Most. Bibi Khatoon, sons & daughter of Usman of Saidih Panheri, P.S. Khizersarai Dist. Gaya.
	16	327 26 87 109 121	0.14 0.51 0.76 0.57 0.23		
			8.401		
	16	87 109 121	0.34 0.13 0.23	Vill. Dariyapore P.S. Khizersarai	
			0.70	Total area 9.101 as per partition effected by the C.O. Patna in Claim Case No. 62 of 1958.	
3	78	30 35 48 56 144 176 276 277 355 384 466 503 579 601 662 789 701 873	0.16 0.09 0.05 0.34 0.26 0.17 0.09 0.20 0.13 0.07 0.54 0.67 0.25 0.11 0.09 0.39 0.16 0.24	Vill. Dumra P.S. Mufassil Distt. Gaya.	Skh. Abdul Rahim Mian son of Skh. Lalan Mian of Vill. Dumra P.S. Mofassil Dist. Gaya.

I	2	3	4
Kh. No.	Plot No.	Area A. D.	Vill. Dumra P.S. Mufassil Distt. Gaya-  Skh. Abdul Rahim Mian son of Skh. Lalan Mian of Vill. Dumra P.S. Mofassil Distt. Gaya
	1067	0.07	
	1165	0.05	
	1183	0.06	
	1204	0.06	
	884	0.07	
	115	0.04	
		4.36	
137	1277	0.12 (East)	
	1285	0.30 (West)	
	1333		
	1285		
	1335	0.75½ (East)	
		1.17½	
55	..	2K—18Dh—10 Dhurki	Do.
12	..	2"—6"	Do.
		5K—4DH—10 Dhurki	

House standing over plot No. 1102 measuring 3 decimals towards South as per partition effected by the C.O. Patna claim case No. 154 of 1957.

499	1.62½	Vill. Akthoo P.S. Bela-	Azimuddin Khan s/o Late
517	0.45½	ganj, Distt. Gaya.	Abdul Ghani Khan of Vill.
881	0.32½		Akthoo P.S. Belaganj.
548	0.10½		
561	0.36		
597	0.16½		
588	0.08		
776	0.29		
823	0.19		
818	0.13		
815	0.05		
825	0.19		
890	0.22½		
	4.19		

As per partition effected by the C.O. in claim case No. 123/57.

[No. 6(3)/Pol-II/60-Lands.

New Delhi, the 16th March 1961

**S.O. 626.**—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed, in the state of Uttar Pradesh for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the said Schedule.

## THE SCHEDULE

Sl. No.	Particulars of Property	Name of the locality and town in which the evacuee property is situated	Name of the evacuee
1	2	3	4
<b>DISTRICT MEERUT</b>			
<b>RURAL</b>			
1	House of Aflaton evacuee	Village Panchli Buzarg (Sardhana).	Shri Aflaton son of Jhandu.
2	House of Mehmuda, evacuee	Village Titora, (Sardhana).	Shri Mehmuda son of Chhajju.
3	House of Shrimati Nasiran evacuee.	Village Khiwai, (Sardhana)..	Shrimati Nasiran d/o Sumera.
4	House of Rashid, evacuee	Village Harta, (Sardhana).	Shri Rashid <i>Alias</i> Kohliyya son of Bakhtawar.
5	House of Faiz Mohammad	Village Sherpur (Hapur)	Shri Faiz Mohammad son of Nasim Khan.
6	House of Shrimati Kallo Begum, evacuee.	Village Sherpur (Hapur)	Shrimati Kallo Begum daughter of Daud Khan.
7	House of Zakaulla	Village Peeruagar (Hapur).	Shri Zakaulla son of Hafizulla.
8	House of Yaqub	Village Bigas (Hapur)	Sarvashri Yaqub, Asgarali, Altaf Hussain sons of Ahmed Noor.
9	House of Mehud Hassan evacuee.	Village Asora (Hapur)	Shri Mehudi Hassan son of Nisan Hussain.
10	House of Hehmatullah evacuee.	Village Jani Khurd (Meerut).	Shri Hehmatullah son of Nabi Box.

[No. 2(5)[Policy-II/59-Lands.]

*New Delhi, the 18th March 1961*

**S.O. 627.**—In pursuance of rule 11-D(D)(A) of the Evacuee Interest (Separation) Rules, 1951, the Central Government hereby makes the following order, namely:—

**ORDER**

Any person entitled under Evacuee Interest (Separation) Rules, 1951 to adjust purchase price of a composite property or any part thereof by association of claims may up to 30th June, 1961, pay the price thereof by associating claimants.

[No. 5(24)/59-Prop.II-Comp.].

I. N. CHIB, Dy. Chief Settlement Commissioner  
and *ex-officio*, Dy. Secy.

**(Office of the Chief Settlement Commissioner)***New Delhi, the 14th March 1961*

**S.O. 628.**—In exercise of the powers conferred by Sub-Section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) the Central Government hereby appoints for the State of Punjab, Shri R. S. L. Srivastava, Assistant Settlement Officer in the office of the Regional Settlement Commissioner, Jullundur as Assistant Custodian for the purpose of discharging the duties imposed on Custodian by or under the said Act with effect from the date he took over charge of his office.

[No. 7/30/AR(Per)/CSC/60.]

*New Delhi, the 17th March 1961*

**S.O. 629.**—In exercise of the powers conferred by Sub-section (i) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri V. D. Kapur as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 10(66)AR(Per)/CSC/60.]

*New Delhi, the 18th March 1961*

**S.O. 630.**—In exercise of the powers conferred by Sub-Section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) the Central Government hereby appoints for the State of Punjab, Shri J. N. Razdan as Assistant Custodian for the purpose of discharging the duties assigned to the Custodian by or under the said Act with effect from the date he took over charge of his office.

[No. 7(42)ARG/60].

K. B. MATHUR, Under Secy.

### MINISTRY OF LABOUR & EMPLOYMENT

*New Delhi, the 16th March 1961*

**S.O. 631.**—In exercise of the powers conferred by section 5 of the Indian Dock Labourers Act, 1934 (19 of 1934), the Central Government hereby makes the following regulations to further amend the Indian Dock Labourers Regulations, 1948, the same having been previously published as required by section 7 of the said Act, namely:—

1. These Regulations may be called the Indian Dock Labourers (Amendment) Regulations, 1961.

2. After regulation 23 of the Indian Dock Labourers Regulations, 1948, hereinafter referred to as the said regulations, the following regulation shall be inserted namely:—

“23-A. Space around a hatch—

Where the working space around a hatch is less than two feet wide, such provision shall be made as will enable the workers to remove or replace in safety all fore and aft beams and thwart-ship beams used for hatch covering and all hatch coverings.”

3. In regulation 27 of the said regulations—

(1) for sub-regulation (1), the following sub-regulation shall be substituted, namely:—

“(1) All lifting machinery—

(a) including all parts and accessory gear, whether fixed or movable together with anchoring and fixing appliances shall be—

(i) of good construction, sound material, adequate strength and free from patent defect; and

(ii) maintained in good repair and working order;

(b) shall have been tested and examined by a competent person in the manner set out in Schedule II before taken into use.”;

(2) in sub-regulation (4) the figure and brackets “(4)” shall be omitted.

4. In regulation 29 of the said regulations—

(1) for the marginal heading “Other loose gear” the marginal heading “Loose gear” shall be substituted.

(ii) for sub-regulation (1), the following sub-regulation shall be substituted, namely:—

“(1) No chain, ring, hook, shackle, swivel or pulley block shall be used in hoisting or lowering unless—

(a) it is of good construction, sound material adequate strength and free from patent defect; and

(b) it has been tested and examined by a competent person in the manner set out in Schedule II.”

5. After regulation 29 of the said regulations, the following regulation shall be inserted namely:—

“29-A. Lifting appliances.—Buckets, tubs, trays, baskets and similar lifting appliances used in hoisting or lowering shall be—

(a) of good construction, sound material, adequate strength and free from patent defect; and

(b) maintained in good repair and working order.”

6. In regulation 31 of the said regulations for clause (c) the following clause shall be substituted, namely:—

“(c) the examinations mentioned in regulation 28 unless the certificate mentioned in regulation 32(3) has been attached to the register in Form II; and”;

7. In regulation 32 of the said regulations—

(i) in sub-regulation (1) for the word “prepared” the word “obtained” shall be substituted;

(ii) for sub-regulations (2) and (3) the following sub-regulations shall be substituted namely—

“(2) Certificates of the annealing of chains, etc., under regulation 29(2) in Form VII shall be obtained and attached to the register in Form II unless the required particulars have been entered in that Register.

(3) Certificates of the annual thorough examination of the gear mentioned in regulation 28 in Form VIII shall be obtained and attached to the register in Form II unless the required particulars have been entered in that register.”;

8. In regulation 33 of the said regulations, in clause (a) for the word “premises” the words “premises or ship, as the case may be” shall be substituted.

9. In regulation 42 of the said regulations for the word “gangways” the words “decks, gangways” shall be substituted;

10. In regulation 46 of the said regulations in sub-regulation (1) for the words “No lifting machinery, chains or other lifting appliances shall be loaded beyond the safe working load” the words “No lifting machinery, chain, ring, hook, shackle, swivel, pulley block, rope or lifting appliance shall be used in such a manner as to involve risk to life, or subject it to a stress greater than that caused by the safe working load” shall be substituted

11. In regulation 48 of the said Regulations, in clause (a), for the figures “11” the figures “16” shall be substituted.

12. In regulation 50 of the said regulations, in sub-regulation (3), the words “All fore and aft beams and thwart-ship beams and” shall be inserted at the beginning.

13. For the existing Forms III to VIII, in the said Regulations, the following Forms shall respectively be substituted, namely:—

"FORM III

Test Certificate No. ....

THE INDIAN DOCK LABOURERS REGULATIONS, 1948

REGULATION 27(1)

*Certificate of Test and Examination of Winches, Derricks and their Accessory Gear, before being taken into use.*

Name of ship, dock, wharf or quay where machinery is fitted .....

Situation and Description of Machinery and Gear with distinguishing number or mark (if any)	Angle to the horizontal of derrick boom while the load was applied	Proof load applied	Safe working load at the angle shown in col. 2
(1)	(2)	(3)	(4)
	Degrees	Tons	Tons

5. Name & Address of public service, association, company or firm making the test and examination .....

6. Name and position of signatory in public service, association, company or firm, .....

I certify that on the ..... day of ....., 19...., the above machinery together with its accessory gear was tested in the manner set forth overleaf; that a careful examination of the said machinery and gear after the test showed that it had withstood the proof load without injury or permanent deformation; and that the safe working load of the said machinery and gear is as shown in column 4.

Signature of the Competent person (see Note 3)

Date

NOTES

1. Column (1). Sufficient particulars must be given to identify the gear, for example, in the case of a winch or derrick, the number of the hold, etc., should be shown.

2. Column (2). As a rule, a derrick should be tested at an angle which should not be more than 15 degrees to the horizontal or when this is impracticable, at the lowest practicable angle.

3. "Competent person" means an official of a workshop in India approved for any of the specified purposes in respect of testing, examination, annealing or certification of plant, lifting machinery or gear by the Central Government or by an authority nominated by the Central Government in that behalf, and any other person who is recognised as a 'competent person' for the purpose of the national regulation in force in other countries for the implementation of the Protection against Accidents (Dockers) Convention (Revised), 1932, adopted by the International Labour Conference.

#### INSTRUCTIONS

1. (i) Every winch with the whole of the gear accessory thereto (including derricks, goose-necks, eye-plates, eye-bolts or other attachments) shall be tested with a proof load which shall exceed the safe working load as follows:—

Safe Working Load		Proof Load
Upto 20 tons	.....	25 per cent in excess
20 to 50 tons	.....	5 tons in excess
Over 50 tons	.....	10 per cent in excess

The proof load shall be applied either (1) by hoisting movable weights or (ii) by means of a spring or hydraulic balance or similar appliance, with the derrick at an angle to the horizontal which shall be stated in the certificate of the test. In the former case, after the movable weights have been hoisted, the derrick shall be swung as far as possible in both directions. In the latter case, the proof load shall be applied with the derrick swung as far as practicable first in one direction and then in the other.

(ii) After being tested, as aforesaid all machinery with the whole of the gear accessory thereto shall be examined to see whether any part has been injured or permanently deformed by the test.

2. The test and examination must be made by a competent person.

3. The safe working load shown in column 4 is applicable only to a swinging derrick. When using fixed derricks, such as "union purchase" rigs, the safe working load should as a general rule, be reduced; in any case, it should be determined with due regard to the actual conditions of use.

4. In the case of heavy derricks, care should be taken that appropriate shrouds and stays are rigged.

NOTE.—The expression "ton" means a ton of 1,000 kg. or 2,200 lb.;"

#### "FORM IV

Test Certificate No. —————

#### THE INDIAN DOCK LABOURERS REGULATIONS, 1948

##### REGULATION 27(1)

Certificate of Test and Examination of Cranes or Hoists and their Accessory Gear before being taken into use.

Name of ship, dock, wharf or  
quay where machinery is fitted .....

Situation and Description of Crane or Hoist with distinguishing number or mark (if any)	For jib Cranes radius at which the proof load was applied	Proof load applied.	Safe working load (for jib cranes at radius shown in col. 2)
(1)	(2)	(3)	(4)
	meters	Tons	Tons

5. Name and address of public service, association, company or firm making the test and examination.....

6. Name and position of signatory in public service, association, company or firm.....

I certify that on the..... day of..... 19 .... the above machinery together with its accessory gear, was tested in the manner set forth overleaf; that a careful examination of the said machinery and gear after the test showed that it had withstood the proof load without injury or permanent deformation; and that the safe working load of the said machinery and gear is as shown in column 4.

Signature of the competent

person (See Note 3)

Date.....

#### NOTES

1. Column (1). Sufficient particulars must be given to identify the crane or hoist.

2. Column (2). If the jib has a variable radius, proof loads must be applied at the maximum and minimum radii.

3. "Competent person" means an official of a workshop in India approved for any of the specified purposes in respect of testing examination, annealing or certification of plant lifting machinery or gear by the Central Government or by an authority nominated by the Central Government in that behalf, and any other person who is recognised as a 'competent person' for the purposes of the national regulations in force in other countries for the implementation of the Protection against Accidents (Dockers) Convention (Revised) 1932, adopted by the International Labour Conference.

#### INSTRUCTIONS

1. (i) Every crane and other hoisting machine with its accessory gear shall be tested with a proof load which shall exceed the safe working load is follows:

<i>Safe Working Load</i>	<i>Proof Load</i>
Upto 20 tons.....	25 per cent in excess.
20 to 50 tons.....	5 tons in excess.
Over 50 tons.....	10 per cent in excess.

The said proof load shall be hoisted and swung as far as possible in both directions. In the case of jib cranes, if the jib of the crane has a variable radius, it shall be tested with a proof load as defined above at the maximum and minimum radii of the jib. In the case of hydraulic cranes or hoists, where owing to the limitation of pressure it is impossible to hoist a load 25 per cent in excess of the safe working load, it shall be sufficient to hoist the greatest possible load.

(ii) After being tested, each crane or hoist with the whole of the gear accessory thereto shall be examined to see whether any part has been injured or permanently deformed by the test.

2. The test and examination must be made by a competent person.

NOTE.—The expression "ton" means a ton of 1,000 kg. or 2,200 lb."

#### FORM V

Test Certificate No.....

#### THE INDIAN DOCK LABOURERS REGULATIONS, 1948.

REGULATION: 29(1) AND (4)

Certificate of Test and Examination of Chains, Rings, Hooks, Shackles, Swivels and Pulley Blocks.

Distinguishing Number or Mark	Description of Gear	Number tested	Date of test	Proof load applied	Safe Working Load
(1)	(2)	(3)	(4)	(5)	(6)



7. Name and address of makers or suppliers.....
8. Name and address of public service, association, company or firm making the test and examination.....
9. Name and position of signatory in public service, association, company or firm.....

I certify that on the..... day of..... 19 , the above gear was tested and examined in the manner set forth overleaf; that the examination showed that the said gear withstood the proof load without injury or deformation; and that the safe working load of the said gear is as shown in column 6.

Signature of the competent

person (See Note 2)

Date.....

#### NOTES

1 Column (2) The dimensions of the gear, the type of material of which it is made and where applicable the heat treatment received in manufacture should be stated (unless Form No. VII is used for the purpose).

2. "Competent person" means an official of a workshop in India approved for any of the specified purposes in respect of testing examination, annealing or certification of plants, lifting machinery or gear by the Central Government or by an authority nominated by the Central Government in that behalf, and any other person who is recognised as a 'competent person' for the purposes of the national regulations in force in other countries for the implementation for the Protection against Accidents (Dockers) Convention (Revised), 1932 adopted by the International Labour Conference

#### INSTRUCTIONS

1. (i) Every article or loose gear (whether it is accessory to a machine or not) shall be tested with a proof load at least equal to that shown against the article in the following table:—

<i>Article of Gear</i>	<i>Proof Load</i>
Chain, Ring, Hook, Shackle or Swivel	Twice the safe working load.
Single Sheave Pulley Block	Four times the safe working load.
Multiple Sheave Block with safe working load up to and including 20 tons.	Twice the safe working load.
Multiple Sheave Block with safe working load over 20 tons upto and including 40 tons.	20 tons in excess of the safe working load.
Multiple Sheave Block with safe working load over 40 tons.	One and a half times the safe working load.
Pitched Chains used with hand operated Pulley Blocks and Rings, Hooks shackles or Swivels permanently attached thereto.	One and a half times the safe working load.
Hand operated Pulley Blocks used with pitched Chains and Rings, Hooks, Shackles or Swivels permanently attached thereto.	

(ii) After being tested, all the gear shall be examined, the sheaves and the pins of the pulley blocks being removed for the purposes, to see whether any parts has been injured or permanently deformed by the test.

2. The test and examination must be made by a competent persons.

NOTE.—The expression "ton" means a ton of 1,000 kg or 2,200 lb";

## Form VI

Test Certificate No.....

## THE INDIAN DOCK LABOURERS REGULATIONS, 1948.

## REGULATION 30(1)(b)

Certificate of Test and Examination of Wire Rope before being taken into use.

- (1) Name and address of maker or supplier of rope.....
- (2) (a) Circumference/diameter of rope.....
- (b) Number of Strands.....
- (c) Number of wires per strand.....
- (d) Lay.....
- (3) Quality of wire (e.g. Best Plough Steel).....
- (4) (a) Date of test of sample of rope.
- (b) Load at which sample broke
- (c) Safe working load, subject to any stated qualifying conditions, such as minimum pulley diameter, direct tensile load, etc.....
- (5) Name and address of Public Service, Association, Company or firm making the test and examination.....
- (6) Name and position of signatory in public service, association, company or firm making the test and examination.....

I certify that the above particulars are correct, and that the test and examination were carried out by me.

Signature of the competent person..... Dated ..... (See Note below).

## NOTE

"Competent person" means an official of a workshop in India approved for any of the specified purposes in respect of testing, examination, annealing or certification of plant, lifting machinery or gear by the Central Government or by an authority nominated by the Central Government in that behalf and any other person who is recognised as a competent person for the purposes of the national regulations in force in other countries for the implementation of the Protection against Accidents (Dockers) Convention (Revised) 1932, adopted by the International Labour Conference.

## INSTRUCTIONS

1. Wire rope shall be tested by sample, a piece being tested to destruction, and the safe working load of ropes shall not exceed one-fifth of the breaking load of the sample tested.

2. The test must be made by a competent person;

## FORM VII

## THE INDIAN DOCK LABOURERS REGULATIONS, 1948.

## REGULATION 29(2).

Certificate of Annealing of Chains, Rings, Hooks, Shackles and Swivels.

Distinguishing number or Mark	Description of Gear	Number of certificate of test and examination	Number annealed	Date of annealing	Defects found at careful inspection after annealing
(1)	(2)	(3)	(4)	(5)	(6)

7. Name and address of public service, association, company or firm carrying out the annealing and inspection.....

8. Name and position of signatory in public service, association, company or firm.....

I certify that on the date shown in column 5, the gear described in columns (2) to (4) was effectually annealed under my supervision, that after being so annealed every article was carefully inspected; and that no defects as affecting its safe working condition were found other than those indicated in column (6)

Signature of competent.....

Date.....

Person (see Note 2).....

#### NOTES

1. Column (2) The dimensions of the gear, the type of material of which it is made and the heat treatment received in manufacture should be stated.

2. "Competent person" means an official of a workshop in India approved for any of the specified purposes in respect of testing, examination, annealing or certification of plant lifting machinery or gear by the Central Government or by an authority nominated by the Central Government in that behalf, and any other person who is recognised as a competent person for the purposes of national regulations in force in other countries for the implementation of the Protection against Accidents (Dockers) Convention (Revised) 1932, adopted by the International Labour Conference.

3. For requirements as to annealing see overleaf.

4. This certificate is optional. The above particulars may be entered in Part-IV of the Register (Form II).

#### INSTRUCTIONS

1. Chains (other than bridle chains attached to derricks or masts), rings, hooks, shackles and swivels in general use for hoisting or lowering must be effectually annealed at the following intervals:—

Class of Gear	If used of lifting machinery driven by power	If used solely on lifting machinery worked by hand
Half inch (12.5 mm) and smaller gear	6 months	12 months
Other gear	12 month	2 year

2. The annealing must be carried out under the supervision of a competent person.

3. It is recommended though not required by the Regulations that annealing should be carried out in a suitably constructed furnace, heated to a temperature between 1,100° and 1,300° Fahrenheit or 600° and 700° Centigrade, for a period between 30 and 60 minutes

4. The requirement of annealing does not apply to bridle chains attached to derricks or masts, and the following classes or gear have been exempted from annealing subject to the conditions stated below:—

- (a) Chains made of malleable cast iron;
- (b) Plate Link Chains;
- (c) Chains, rings, hooks, shackles and swivels made of steel;
- (d) Pitched chains;
- (e) Rings, hooks, shackles and swivels permanently attached to pitched chains, pulley blocks or weighing machines;
- (f) Hooks and Swivels having screw-threaded parts or ball bearings or other case hardened parts;
- (g) Bordeaux connections.

These classes of gear have been exempted from annealing subject to the conditions that such gear shall be thoroughly examined by a competent person once at least in every twelve months and that, before the gear is subsequently taken into use, the prescribed certificates (FORM VIII) of such examinations shall be attached to the prescribed register (Form II), or alternatively the required particulars may be entered in Part III of the register.

### FORM VIII

Certificate No. ....

### THE INDIAN DOCK LABOURERS REGULATIONS, 1948.

#### REGULATION 28

Certificate of Annual Thorough Examination of Gear exempted from Annealing.

Distinguishing number or mark	Description of Gear	Number of certificate of test and examination	Remarks
(1)	(2)	(3)	(4)

5. Name and address of public service, association, company or firm making the test and examination.....

6. Name and position of signatory in public service, association, company or firm.....

I certify that on the..... day of..... 19 , the above gear was thoroughly examined and that no defects affecting its safe working condition were found other than those indicated in column (4).

Signature of the competent person (See Note 2)..... date.....

#### NOTES

1. Column (2) The dimensions of the gear, the type of material of which it is made and the heat treatment received in manufacture should be stated.

2. "Competent person" means an official of a workshop in India approved for any of the specified purposes in respect of testing, examination, annealing or certification of plant, lifting machinery or gear by the Central Government or by an authority nominated by the Central Government in that behalf, and any other person who is recognised as 'competent person' for the purposes of the national regulations in force in other countries for the implementation of the Protection against Accidents (Dockers) Convention (Revised) 1932, adopted by the International Labour Conference.

3. For list of gear not required to be annealed and definition of "thorough examination" see over leaf.

4. This certificate is optional. The above particulars may be entered in Part III of the Register (Form II).

#### INSTRUCTIONS

1. The following classes of gear have been exempted from annealing but require to be thoroughly examined by a competent person once at least in every twelve months.

- (a) Chains made of malleable cast iron;
- (b) Plate link Chains;
- (c) Chains, rings, hooks, shackles and swivels made of steel;
- (d) Pitched chains;

- (e) Rings, hooks, shackles and swivels permanently attached to pitched chains, pulley blocks or weighing machines.
- (f) Hooks and swivels having screw-threaded parts or ball bearings or other case-hardened parts;
- (g) Bordeaux connections.

2. "Thorough examination" means a visual examination supplemented if necessary by other means, carried out as carefully as the conditions permit, in order to arrive at a reliable conclusion as to the safety of the parts examined; and if necessary for the purpose, parts of the gear must be dismantled.

3. For the purposes of 'thorough examination' of the gear carried on board a ship, the Master or the Chief Officer of the ship shall be deemed to be the 'competent person'.

4. In form XI, in the said regulations,

- (i) in regulation 33, in clause (a) for the word "premises" the words "premises or ship as the case may be" shall be substituted;
- (ii) in regulation 42 for the word "gangways" the words "decks, gangways" shall be substituted;
- (iii) in regulation 46, in sub-regulation (1), for the words "No lifting machinery, chains or other lifting appliance shall be loaded beyond the safe working load" the words "No lifting machinery, chains, ring, hook, shackle, swivel, pulley block, rope or lifting appliance shall be used in such a manner as to involve risk to life, or subject it to a stress greater than that caused by the safe working load;" shall be substituted;
- (iv) in regulation 48, in clause (a) for the figures "11" the figures "16" shall be substituted;
- (v) in regulation 50, in sub-regulation (3), the words "all fore and aft beams and thwartship beams and" shall be inserted at the beginning.

[No. Fac. 38(113).]

*New Delhi, the 17th March 1961*

**S.O. 632.**—In pursuance of clause (c) of sub-paragraph (1) of paragraph 3 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour No. S.R.O. 1861, dated the 31st October, 1952, namely:—

In the said notification, for entry 8-A, the following entry shall be substituted, namely:—

"8-A. Shri R. S. Mandal, Secretary to the Government of Bihar, Department of Labour and Employment, Patna."

[No. 10(10)60-PF.II.]

*New Delhi, the 18th March 1961*

**S.O. 633.**—In exercise of the powers conferred by section 5 read with section 7, of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948), the Central Government hereby makes the following Scheme further to amend the Rajasthan Coal Mines Bonus Scheme, published with the notification of the Government of India in the late Ministry of Labour No. S.R.O. 3643 dated the 17th December, 1954, namely:—

1. This Scheme may be called Rajasthan Coal Mines Bonus (Amendment) Scheme, 1961.

2. In the Rajasthan Coal Mines Bonus Scheme, in sub-paragraph (1) of paragraph 5, for the words and figures "and days of idleness caused by any temporary breakdown of machinery or any other technical reason or by any lock out which is illegal under section 24 of the Industrial Disputes Act, 1947", the words, letters, brackets and figures "and days of lay-off as defined in clause (kkk) of section 2 of the Industrial Disputes Act, 1947 and days of idleness caused by any lock-out which is illegal under section 24 of the said Act" shall be substituted.

[No. 3(113)/58-P.F.I.]

**S.O. 634.**—In exercise of the powers conferred by section 5 read with section 7, of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948), the Central Government hereby makes the following Scheme further to amend the Andhra Pradesh Coal Mines Bonus Scheme, published with the notification of the Government of India in the late Ministry of Labour No. S.R.O. 1705 dated the 4th October, 1952, namely:—

1. This Scheme may be called the Andhra Pradesh Coal Mines Bonus (Amendment) Scheme, 1961.

2. In the Andhra Pradesh Coal Mines Bonus Scheme, in sub-paragraph (1) of paragraph 5, for the words and figures "and days of idleness caused by any temporary breakdown of machinery or any other technical reason or by any lock out which is illegal under section 24 of the Industrial Disputes Act, 1947", the words, letters, brackets and figures "and days of lay-off as defined in clause (kkk) of section 2 of the Industrial Disputes Act, 1947, and days of idleness caused by any lockout which illegal under section 24 of the said Act" shall be substituted.

[No. 3/113/58-P.F.I.]

**S.O. 635.**—In exercise of the powers conferred by section 5 read with section 7, of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948), the Central Government hereby makes the following Scheme further to amend Assam Coal Mines Bonus Scheme, published with the notification of the Government of India in the late Ministry of Labour No. S.R.O. 2041 dated the 8th September, 1955, namely:—

1. This Scheme may be called the Assam Coal Mines Bonus (Amendment) Scheme, 1961.

2. In the Assam Coal Mines Bonus Scheme, in sub-paragraph (1) of paragraph 5, for the words and figures "and days of idleness caused by any temporary breakdown of machinery or any other technical reason or by any lock out which is illegal under section 24 of the Industrial Disputes Act, 1947", the words, letters, brackets and figures "and days of lay-off as defined in clause (kkk) of section 2 of the Industrial Disputes Act, 1947 and days of idleness caused by any lock-out which is illegal under section 24 of the said Act" shall be substituted.

[No. 3/113/58-P.F.I.]

### CORRIGENDUM

*New Delhi, the 15th March 1961*

**S.O. 636/PWA/Sec. 7/Exp.II/1960.**—In item (3) of the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 391/PWA/Sec. 7/Exp.II/1960 dated the 10th February, 1961, published at pages 482-83 of the Gazette of India, Part II, Section 3, sub-section (ii), dated the 18th February 1961, after the word "against" the word "any" shall be inserted.

[No. Fac. 541/12/60.]

P. D. GAIHA, Under Secy.

*New Delhi, the 15th March 1961*

**S.O. 637.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Delhi, in the industrial dispute between the employers in relation to the Central Bank of India Limited and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL: DELHI.

E. KRISHNA MURTI,

PRESENT:

Central Govt. Industrial Tribunal  
24th February, 1961.

1. D. No. 93 of 1960.

BETWEEN

The employers in relation to the Central Bank of India Limited.

AND

Their workmen, as represented by the U. P. Bank Employees Union, Kanpur.

Shri Chaman Lal Chopra for the management.

Shri B. P. Gupta & J D Misra for the workmen.

# AWARD

By G. O. No. LR II-10(91)/59, dated 6th April, 1960, the industrial dispute, between the employers in relation to the Central Bank of India Limited and their workmen, as represented by the U.P. Bank Employees Union, Kanpur, has been referred to this Tribunal for adjudication under Sections 10(1)(d) and 12(5) of the Industrial Disputes Act, 1947.

## 2. The term of reference is as follows:—

Whether having regard to the provisions of Para 164(b) of the Award of the All India Industrial Tribunal (Bank Disputes) constituted by the Government of India in the Ministry of Labour, S.R.O. 35 dated the 5th January, 1952 and the nature of duties performed by them the following Assistant Cashiers working in the Central Bank of India Ltd., are entitled to any special allowance.

1. Shri R. M. Kapoor of Meston Road, Branch, Kanpur.
2. Shri M. P. Mehrotra of Nayananj Branch, Kanpur.
3. Shri H. S. Seth of Muthiganj, Allahabad.

3. It is alleged in the statement of claim, that, according to the Sastry Award, Assistant Cashiers in A Class banks are entitled to special allowance of Rs. 16/-, that Shri R. M. Kapur was appointed in the Bank on 21st April, 1946 as Assistant Cashier, that he was granted power of attorney on behalf of the Bank in the same year, that he is working at Meston Road Branch in Kanpur since 1949, that since 1952 the Bank had been taking work from him of higher skill and responsibility, that he had been performing the duties as mentioned in the statement of claim, that, in view of the said duties, Shri Kapur is entitled to the special allowance of Rs. 16/-, admissible to Assistant Cashiers from 1st April 1954, that Shri M. P. Mehrotra was appointed as Assistant Cashier on 1st June 1948 at Naya Ganj Branch Kanpur, that since 1953 the Bank has been taking work from him of responsible nature, and of higher skill and responsibility, that he has been discharging the duties enumerated in the statement of claim, that he is entitled to special allowance of Rs. 16/- admissible to Assistant Cashiers, that Shri H. S. Seth was appointed in the Bank on 23rd September 1945, that he was Head Cashier at Lalitpur Office, that he was granted power of attorney by the Bank for signing all relevant papers of the Bank, and was given draft signing power also, that in 1952 he was transferred to Mahoba Pay Office, that this office was closed down in 1957, that thereafter his services were transferred to Muthiganj Office of the Bank at Allahabad, that he is entitled to special allowance of Rs. 50/-, admissible to Supervisors, in consideration of the duties performed by him from a date earlier than 1st April 1954, and that he is also entitled to recover special allowance of Rs. 16/-, payable to Assistant Cashiers, with retrospective effect from 1957.

4. The case of the Bank is, that there are no Assistant Cashiers at any of the offices of the Central Bank, above the level of routine clerks, that Sarvashri Kapur and Mehrotra are not entitled to any special allowance, as claimed by them, that the entire cash department works directly under the Treasurer's Representative, that no Assistant Cashier has unit of 4 or 5 clerks, or even a single clerk, working under him, that the duties alleged to have been performed by Sarvashri Kapur and Mehrotra, are not such as to entitle them to the allowance claimed, that Shri H. S. Seth is also not entitled to the special allowance claimed by him, that till the beginning of March, 1957 Shri Seth was working as Treasurer's Representative at the Mahoba Branch, and was drawing special allowance of Rs. 15/- per month, that, on the closure of the said office, he was given appointment at the Muthiganj Office as Assistant Cashier, that the Treasurer's Representative is responsible for all the six members in the Cash Department at the Muthiganj Office, that although Shri Seth holds the power of attorney, he has not been called upon to exercise any such powers at the Muthiganj Office, that as regards signing of drafts, Shri Seth was permitted to do so only during emergencies, that this was on rare occasions, that mere counter signing of some drafts does not entitle him to claim the special allowance, and that none of the three workmen is entitled to any relief.

5. Both parties agreed, that the issue is as in the term of reference.

6. This dispute is between the management in relation to the Central Bank of India Limited and their workmen, as represented by the U.P. Bank Employees' Union, Kanpur.

7. The claim has been put-forward on behalf of three workmen of the Bank, namely, Sarvashri (i) M.P. Mehrotra, Naya Ganj Branch of Kanpur, (ii) R. M. Kapur of Meston Road Branch, Kanpur, and (iii) H. S. Seth of Muthiganj Branch,

Allahabad. The reference raises the question, whether the three workmen, mentioned above, are entitled to the special allowance as claimed.

8. In the first place, I shall take up the case of Shri M. P. Mehrotra. According to the case of the workman in question, he was appointed as Assistant Cashier on 1st June 1948 at Naya Ganj Branch of Kanpur. Since 1953 he has been discharging duties, involving higher skill and responsibility, and which are above those of a mere routine clerk. Besides doing the duties of issuing cash receipts, Shri Mehrotra has been doing the following duties of a responsible nature:—

- “1. Checking & countersigning of vouchers of receipt in cash department.
2. Checking of Cash Receipt Book, and counter-signing them with cash receipt vouchers.
3. Attestation of vernacular signatures on cash, clearing and transfer cheques and other negotiable instruments.
4. Translation into English of vernacular language appearing on cheques and other negotiable instruments.
5. Translation of Hundles drawn in vernacular and its verification.
6. Supervising the work of 14 other routine cashiers of the cash department.
7. Officiating as Head Cashier of the Branch who is now a junior officer, whenever he goes on leave.”

The contention on behalf of the workman is, that, in view of the duties performed by him, he is entitled to recover special allowance at the rate of Rs. 16/- per month from 1st April, 1954, as provided in Paragraph 164(b) of the Sastry Award.

9. In the Sastry Award Paragraph 164(b) there is provision for payment of special allowance to certain categories of employees. Category No. (5) is as follows:—

“Assistant Cashiers (above the level of routine clerks). Units of 5 clerks and above.”

The special allowance provided is Rs. 16/- in the case of A Class banks. There is no dispute, that the Central Bank is and has been an A Class Bank. If Shri Mehrotra can be brought under category No. (5), he will be entitled to recover Rs. 16/-, special allowance provided in the Sastry Award.

10. At the outset, the contention has been raised on behalf of the Bank, that there are no Assistant Cashiers in any of the offices of the Bank, above the level of routine clerks. It is asserted, that it is clear from Paragraph 132 of the Labour Appellate Tribunal's judgment, that categories 5 & 6 of the Sastry Award are only to be found in the State Bank of India, formerly the Imperial Bank of India, and that the provision for payment of such special allowance can be made applicable only to the State Bank Assistant Cashiers, coming under this category. The contention, put-forward on behalf of the Bank, cannot be accepted, and I am unable to hold, that Paragraph 132 of the judgment of the Labour Appellate Tribunal supports the contention on behalf of the management. On the contrary, it will be seen, that the direction for payment of Rs. 16/- and Rs. 12/- to Assistant Cashiers, above the level of routine clerks, as provided in Paragraph 164(b) of the Sastry Award, was confirmed. The said provision in the Sastry Award is not made exclusively applicable to Assistant Cashiers, coming within the said categories only in the Imperial Bank of India. There are no such words of limitation either in the Sastry Award, or in the judgment of the Labour Appellate Tribunal. On the contrary, reference may be made to the remarks of the Labour Appellate Tribunal in Paragraph 140, wherein it is mentioned, that the nomenclature, by which particular categories of employees were called differed from bank to bank, and that the equivalents set out in their decision did not exhaust the subject, and that, in the absence of data on the record, it must be left to the banks to pay the appropriate allowance having regard to the duties and responsibilities of a post. In this connection I may refer to the decision of the Supreme Court in *Lloyds Bank* (XIX-FJR 307). It is observed at page 310 as follows:—

“It is, however, clear, and it is not disputed, that even if the three workmen do not by name or designation fall in the said category, they would nevertheless be entitled to claim the special allowance if it appears that the duties performed by them and the functions discharged by them are similar to, or the same, as the duties or functions assigned to persons falling in that category.”



Therefore, we are concerned with the question, whether, having regard to the duties and functions assigned to or performed by Shri Mehrotra, he can claim the status of an Assistant Cashier, falling in category (5). The above contention put forward on behalf of the Bank, that the provision for special allowance in Items (5) and (6) of Paragraph 164(b) has no application to the Central Bank, and that it must be limited in its operation only to the employees of that description in the State Bank of India, must be rejected.

11. The next contention, that has been raised, is, that, even taking category No. 5 into account, the entire cash department works directly under the Treasurer's Representative, and that no Assistant Cashier has units of 4 or 5 clerks, or even a single clerk working under him. It is asserted, that before the Assistant Cashier can claim the special allowance, he must have at least 5 clerks working under him. It is thus contended before me on behalf of the Bank, that, before the special allowance can be claimed, it must be found, that there were at least 5 clerks working under Shri Mehrotra. This contention also cannot be accepted. Item No. (5) is as follows:—

“Assistant Cashiers (above the level of routine clerks). Units of 5 clerks and above.”

The words “working under them” are nowhere found in category (5). The plain meaning of the words, as contained in Item No. (5), is that the Assistant Cashiers must be discharging duties, which are above the level of routine clerks in units of 5 and above. The contention, that 5 clerks must be working under the Assistant Cashier means in effect, that the Assistant Cashiers must be supervising the work of the 5 clerks under them. If this contention were to be accepted, then the Assistant Cashiers would rank as supervisors, a category, for which special allowance of Rs. 50/- is provided in Paragraph 164(b)(9). In this connection the decision of the Supreme Court in the Lloyds Bank case, cited above, is important. It was laid down therein, that however before a clerk can claim the special allowance payable to Supervisors, his work must appear to have some element of supervisory character. The work of checking the authority of the person passing the voucher, or to enquire whether the limit of authority had been exceeded is no doubt work of a checking type, but the checking is purely mechanical, and it cannot be said to include any supervisory function. A person claiming the status of a supervisor in clause (9) should normally have to supervise the work of some others who are in a sense below him. To insist that an Assistant Cashier, before he can claim special allowance of Rs. 16/-, must have 5 clerks working under him, is to put forward the contention, that an Assistant Cashier must be supervising the work of 5 clerks, working under him if he was so supervising he would be entitled to the Supervisors allowance of Rs. 50/-. This is not borne out by the language of Item No. 5. What we are concerned with in this reference is, whether the Assistant Cashier Shri Mehrotra has been performing duties, above the level of routine clerks, and in units of 5 clerks, and above. There is no element of supervision required over the said 5 clerks before he can claim the special allowance of Rs. 16/-.

12. In this connection, the contention has been raised, on behalf of the workmen, that, if the clerk in question is doing duties of higher skill and responsibility, he will be entitled to special allowance as prescribed in Paragraph 164(b). Reliance has been placed upon Paragraph 163 of the Sastry Award, wherein it is mentioned, that it is open to a Bank to provide such allowance even in respect of categories, which are not included in the list, wherever owing to previous practice or for other good reasons, they thought it right and proper to do so. With reference to this portion of the award, it was observed by the Supreme Court in the Lloyds Bank case, referred to above, at page 308, that the above-mentioned observations in the Award amounted to not more than a recommendation made by the Tribunal to the banks, and however much one may wish, that the spirit, in which these observations were made, should be respected by the banks, it was impossible to entertain any industrial claim on these recommendations.

13. The point for decision now is, whether the duties performed by Shri Mehrotra are such as to bring him within the category Item No. 5, as mentioned in Paragraph 164(b). I have set out the duties alleged to have been performed by Shri Mehrotra. The documents, Exts. W/20-59 have been produced as sustaining the contention of this workman. With reference to the said duties, the contention on behalf of the Bank is, that there is an office order, authorising Shri Mehrotra to attest vernacular signatures on cheques and other documents, but there was no office order, asking him to counter-sign cash receipt vouchers. However, such counter-signing was being done either by Shri Mehrotra, or by the Treasurer's Representative. The Bank has denied, that Shri Mehrotra supervised the work of the other 14 cashiers, but, as I have already pointed out, this is not

a question of supervision, and Shri Mehrotra does not claim the special allowance of a supervisor. The Bank, has admitted, that Shri Mehrotra was attesting vernacular signatures, and translating into English, documents appearing in the vernacular. It is also admitted, that he was counter-signing cash receipt vouchers. It is also admitted, that he officiated in place of the Treasurer's Representative, during the latter's absence on leave.

14. Taking the documents, that have been produced on behalf of the workman, Exts. W/20-34 are documents with signatures in vernacular, verified, and attested by Shri Mehrotra. Exts. W/35-39 and W/42-44 are cash receipt vouchers, counter-signed by Shri Mehrotra. Ext. W/40 is a credit cash voucher. Ext. W/41 is a telegraphic voucher and Ext. W/45 is a draft. In this connection reference may be made to the evidence of MW3, Shri Kishan Gopal Tandon, who is the Treasurer's Representative at the Naya Ganj Branch of the Bank. According to his evidence, he is in the Central Bank from 1937. He is in Naya Ganj from 1941. He is the Treasurer's Representative from 1947. The Treasurers are Bishambar Nath Brothers. He is working under the guarantee of the said Treasurers. He is incharge of the cash staff at Naya Ganj. There are 13 cash staff working in Naya Ganj. These are all termed Assistant Cashiers. They are all of equal status, and none is working under another. Their duties are to receive cash generally. Shri Mehrotra works in his (witness's) place, when he goes on leave. His main duties are to make payment in cash, to verify vernacular signatures, and sign on receipt vouchers, as a counter signatory. The contention on behalf of the Bank, that Shri Mehrotra is doing just ordinary duties of a routine clerk, and that the duties, which he has been performing, and referred to, are not above the level of those performed by routine clerks, is not entitled to weight. Shri Tandon admits in cross-examination, that Shri Mehrotra has been allotted extra duties. Those are other than the general duties done by others. One is the checking and counter-signing of vouchers in the cash department. The second is the checking of cash receipt book and counter-signing the receipt book, and comparing them with the cash receipt vouchers. The third is the attestation of vernacular signatures on cash clearing and transfer cheques, and other negotiable instruments. The 4th is the translation into English of vernacular appearing on cheques and other negotiable instruments. Shri Tandon further states, that his Branch is a heavy branch, and that Shri Mehrotra assists him in performing his duties. It is not merely a case of Shri Mehrotra officiating in the place of the Treasurers' Representative when the latter is on leave. Taking the evidence as a whole, it is absolutely clear, that Shri Mehrotra has been doing duties which are higher than those performed by routine clerks. He has been performing duties involving higher skill and responsibility. It will not do for the Bank to whittle down the effect of counter-signature on a voucher, and contend, that the counter-signing authority has no responsibility in the matter. Counter-signature is an important feature and assumes special importance, in all bank transactions. The very fact, that a counter-signature is insisted upon, shows the importance attached to the same. Taking all circumstances into consideration, and the evidence on record, I find, that it has been established satisfactorily, that Shri Mehrotra has been doing duties above the level of a routine clerk.

15. It is also proved, that in the Naya Ganj Branch, where he has been working, there are about 13 clerks, all being termed Assistant Cashiers. The fact, however is, that Shri Mehrotra alone has been doing these other duties, which were not being done by the rest of them. When the unit is one of 5 clerks, and above, Shri Mehrotra is entitled to the special allowance of Rs. 16/-.

16. Shri Mehrotra is entitled to recover the said amount at least from 1st April, 1954, as it is established on the evidence, that he has been performing these duties not only from 1st April, 1954, but also from a date prior thereto. As the Sastry Award came into force only from 1st April, 1954, his claim can be up-held only from that date. I find that Shri Mehrotra is entitled to special allowance of Rs. 16/- a month from 1st April, 1954, and he is entitled to recover the arrears from that date upto date.

17. In the second place, taking the case of Shri R. M. Kapur, according to the workman's case he was appointed in the Bank on 21st April, 1946. He is said to be working at the Meston Road Branch of the Bank in Kanpur. Besides doing the routine duties of cash receipt and payment, Shri Kapur is stated to have been doing the following duties:—

- "1. Checking & counter-signing of vouchers of receipt in cash department.
2. Checking of Cash Receipt Books and counter-signing them with cash receipt vouchers.

3. Attestation of vernacular signatures on cash, clearing and transfer cheques and other negotiable instruments.
4. Translation into English of vernacular language appearing on cheques and other negotiable instruments.
5. Translation into English of Hundies drawn in vernacular.
6. Checking of Stock Register and Godown Register.
7. Submitting Financial Reports on Parties.
8. To supervise duties and work of other 5 cash clerks attached to the Cash Department."

According to the case of the workman, in the cash department of the Meston Road Branch, in which the Head Cashier, and Shri Kapur the Assistant Cashier, hold power of attorney on behalf of the Bank, all the 8 duties mentioned above, are being performed by Shri Kapur in the presence of the Head Cashier. He is the second man of the Cash Department. Even when the Head Cashier is absent, only Shri Kapur performs his duties, and no other routine cashier is allowed to perform these duties. Thus the claim is made, that Shri Kapur is entitled to the special allowance of Rs. 16/- as admissible to Assistant Cashiers under Paragraph 164(b), category 5, with retrospective effect from 1st April, 1954.

18. The same contentions have been raised by the Bank in answer to the contentions put forward on behalf of the workman. The test will be, whether Shri Kapur has been doing the duties of Assistant Cashier above the level of routine clerks. In the written statement of the Bank, it is admitted, that Shri Kapur receives cash, and accordingly cash receipt vouchers are signed by him. Besides, performance of other duties like attestation of vernacular signatures, and checking of Godown registers, has been infrequent. As regards preparation of financial reports, he did this work on 4 dates, and they were prepared during the absence of Shri Avasti, the Treasurer's Representative. Whenever Shri Kapur officiated in place of the Treasurer's Representative, he was paid the proportionate amount of the Head Cashier's allowance. It is admitted by the Bank, that a power of attorney was granted to Shri Kapur. It is however, alleged, that, as regards the power of attorney held by Shri Kapur, it was granted in 1946, when he was the Head Cashier. Since his posting at Kanpur, this power of attorney has not been utilised, and Shri Kapur has not been required to exercise any of these powers at Meston Road Office. Shri Kapur did not supervise the work of the other 5 clerks, attached to the Cash Department.

19. I have already given my reasons for holding, that to enable an Assistant Cashier to claim the amount of special allowance of Rs. 16, it is not necessary, that he must exercise "supervision" over the other clerks in the same manner as a supervisor, exercises supervision over clerks working below him. It is not necessary, that the clerks, referred to in the phrase "unit of 5 clerks" in Item A should have been working under the Assistant Cashier. The test would be, whether Shri Kapur was performing duties above the level of routine clerks. I have no hesitation in concluding, that the various duties performed by Shri Kapur are duties above the level of routine clerks. In this connection reference may be made to the documents, that have been filed in proof of the duties discharged by Shri Kapur. Exts. W/60-72 have been referred to in this connection. Ext. W/60 dated 9th June, 1955, is to the effect, that, as Shri Avasti was going on leave, Shri R. M. Kapur, the second man after Shri P. N. Avasti, must work in his place. Ext. W/61, shows, that Shri Kapur signed financial statements on 4 days. Ext. W/63 contains a list of the vouchers and vernacular signatures attested by Shri Kapur. Exts. W/64-67 are specimen of documents in which Shri Kapur attested the signatures. Ext. W/68 is the document relating to Godown delivery order. There does not seem to be any doubt, that Shri Kapur was the second man in the cash department, and he was discharging the duties enumerated in the claim statement. The evidence of Shri P. N. Avasti, MW2, who is the Treasurer's Representative in Meston Road, is, that he is working in the Meston Road Branch as Treasurer's Representative since 1948, and he is the Head of the cash department since then. There are 5 cashiers working under him. Shri Radhey Mohan Kapur is working as Assistant Cashier under him from 1948. In cross-examination, he says, that, as a matter of internal arrangement, all the duties of Head Cashier, or the Treasurer's Representative, are performed by Shri Kapur. Even when MW2 is present in the office, and doing some other work, Shri Kapur attends to his duties. When Shri Avasti goes on leave, he makes recommendation, that Shri Kapur should work in his place. Shri Kapur counter-signs in his place. MW2 further says, that because he has a large amount of work to do, he requested the Agent to permit him to

allot his duties of countersigning to Mr. Kapur, and Mr. Kapur was doing counter signing work. The cash vouchers are counter-signed by Shri Kapur from 1950. He has been verifying vernacular signatures since 1952. He has been dealing with Hundies, etc., in vernacular since 1952. Shri Kapur submits financial statements when he (witness) is on leave. MW2 Shri Avasti further states, that as Treasurer's Representative he supervises the work of all the staff under him. In his absence Shri Kapur does supervision work. This is so even when Shri Avasti is otherwise engaged in the office. When his attention is drawn to Ext. W/71, wherein Shri Kapur was referred to as the second man in the cash department, MW2, says, that he does not know anything about it. The evidence taken as a whole, does establish the contention on behalf of the workmen, that Shri Kapur has been doing the duties of an Assistant Cashier, above the level of routine clerks. He is in category No. 5, and he is entitled to recover the special allowance.

20. It is however argued on behalf of the Bank, that there was no office order of the Bank, authorising Shri Kapur to perform the duties referred to above, and that the Bank is not bound to pay any such allowance. This contention is not entitled to weight. There is no evidence with regard to the terms, on which Bishambar Nath Brothers are working with the Bank as Treasurers. However, in this connection the decision of the Supreme Court in the case of the Punjab National Bank (VIII Factories Journal Reports 150) is important. Reference may also be made to Ext. M/1, which is a copy of the statement of Shri P. N. Avasti dated 12th February, 1958, regarding duties performed by Shri Kapur. On behalf of the Bank reliance has been placed upon Exts. M/2 and 3. Ext. M/2, is dated 10th March, 1958, and purports to be a memo. signed by the Chief Agent. It is stated therein, that Shri P. N. Avasti (MW2) was instructed not to delegate any of his legitimate duties to Shri Kapur or to any of his Assistants, and that it was also pointed out to Shri Avasti, that, in spite of the larger volume of work in the Cash Department in the main office the Treasurer's Representative there was able to do his legitimate duties, and that if Shri Avasti was not able to attend to his own work, which was much less than that in the main office single handed, that would prove that he was not a capable efficient and fit hand to hold such a post. Ext. M/10, dated 10th March, 1958, is addressed to Shri Kapur, and it is mentioned therein, that he had been unauthorisedly attending to certain duties of the Treasurer's Representative, and that he was instructed not to do any of the work, normally performed by the Treasurer's Representative without the permission of the Meston Road Branch. The contention has been put-forward on behalf of the Bank, that Shri Kapur was prohibited from further performing the duties alleged to have been performed by him, as Treasurer's Representative, and which enables him to put-forward the claim for special allowance, and that, in these circumstances, the Bank cannot be made liable for the amount claimed. It is argued, that if he performed such duties, he did so only as a matter of internal arrangement between the Treasurer's Representative and Shri Kapur. I am unable to up-hold this argument. True, the letters, referred to above, were issued to Shri Avasti and Shri Kapur. In spite of this Shri Kapur has been performing the duties. He has performed the duties, which are duties, which are above the level of duties of a routine clerk. Shri Kapur has been performing the said duties in spite of the letters, exts. M/2 and 3, and till today. Apart from the above, it is important to note, that there is a power of attorney in favour of Shri Kapur, which is still unrevoked. It is alleged in the written statement of the Bank, that, as regards the power of attorney held by Shri Kapur, Mr. Kapur had not been required to exercise any of the powers at Meston Road Office. The very fact, that there is a power of attorney, still unrevoked in favour of Shri Kapur, shows, that the power of performing certain duties above the level of routine clerk has been conferred upon him. It is no answer to say, that all the powers conferred by the said power of attorney had not been utilised by the Bank. I find, that Shri Kapur has been doing duties as Assistant Cashier, above the level of a routine clerk, and that, therefore, he is entitled to recover the allowance of Assistant Cashier, as provided in Item No. 5 of Paragraph 164(b), from 1st April, 1954, the date from which the Sastry Award came into force to date.

21. Taking next the case of Shri Hari Shankar Seth, it is alleged in the statement of claim, that in view of the responsible nature of the duties performed by Shri Seth, he must be granted the special allowance of Rs. 16 as admissible to Assistant Cashiers under Paragraph 164(b)(5), with retrospective effect from 1957. The second contention, that has been raised on his behalf is, that Shri Seth may be awarded special allowance of Rs. 50, as admissible in Paragraph 164(b)(9), in consideration of the fact, that he has been doing the duties of a

supervisor, from a time much earlier than 1st April, 1954. The duties are said to be as follows:—

(i) That in terms of Power of Attorney granted to Shri Seth, he has been empowered to give effectual discharge in the name of the Bank to Bills, Hundies, drafts, cheques, warrants, Promissory notes, and other negotiable instruments received for collection. He has also been empowered to deliver receipts, releases or other discharges for and in the name of the Bank to documents of title, to goods of whatsoever nature of description including railway receipts and for the said purpose to endorse the same.

(ii) Shri Seth signs Bank drafts, and their relative credit advices sent to the Branch on whom the draft is drawn as well as signs the draft register.

(iii) He signs credit advices relating to Bills realisation. He signs fixed or short deposit receipts as well as signs the relative registers and ledgers. He also signs pay orders and the pay order books.

(iv) Shri Seth countersigns telegraphic transfer advices and the T. T. Registers.

(v) Shri Seth has also been holding the keys of double lock strong room containing cash and other valuable documents of securities at times.

22. In the first place, I shall deal with the question, whether Shri Seth is entitled to supervisory allowance of Rs. 50, admissible to supervisors. In the decision of the Supreme Court in the Lloyds Bank case, referred to above, it was pointed out, that, before a clerk can claim special allowance, admissible to a supervisor, his work must appear to have some element of supervisory character. The person, claiming the status of a supervisor, should normally have to supervise the work of some others, who are in a sense below him. The mere work of checking the authority of a person, passing a voucher, cannot be said to include any supervisory function.

23. On the facts of the present case, it is no doubt true, that Shri Seth was granted a power of attorney, and, though the original thereof has not been filed, a copy of which, admitted by the Bank, is Ext. W/13. It is stated therein, that he was authorised to perform the following acts:—

(i) To give effectual discharge in the name of the Bank to Bills, Hundies, Drafts, Cheques, Warrants, Promissory-Notes, and other negotiable instruments received for collection.

(ii) To deliver receipts, releases or other discharges for and in the name of the Bank to documents of title to goods of whatsoever nature of description including Railway Receipts and for the said purpose to endorse the same."

Ext. W/13 shows, that he had been appointed by the Bank to serve as Cashier. Ext. W/1 has been filed to show the duties that are being performed by Shri Seth. The first is, signing of demand drafts, T. T. relative advices, and cash vouchers from time to time. He signed cash memos from time to time. He signed Delivery Order Books from time to time. He signed the Key Movement Register from time to time. He signed the pay Slip Register, and Pay Slip Book from time to time. He verified the Vernacular signatures of cheques, and made payments of such cheques. Exts. W/2-12, and 14-19 have been filed in relation to the several duties performed by Shri Seth.

24. According to the evidence of WWI, Shri Dhanesh Saran, the duties enumerated in Ext. W/13 are performed by him. He signs drafts, cash warrants, debit notes, fixed deposit receipts. In his Branch the Agent gives effectual discharge of cheques. If a draft is signed only by the Agent, and not by the Supervisor, it is not paid generally. The Head Cashier or Cashier cannot countersign drafts or cash warrants. In his Branch persons, who countersign drafts, pay-orders, cash warrants, and deposit receipts, get Rs. 50 special allowance. He signs the documents above mentioned under sanction of the Head Office. His signatures have been circulated to all the Branches. No reliance can be placed upon the evidence of WWI, as justifying the claim of Shri Seth for supervisory allowance. It may be, that the duties enumerated in Ext. W/13, are performed by a supervisor, in the Allahabad Bank, wherein, WWI, is employed. As already stated, in the Sastry Award and in the judgment of the Labour Appellate Tribunal there is mention of the fact, that the duties vary from branch to branch and from bank to bank. Moreover, it is expressly made clear in the evidence of WWI, that he is the first signatory, and the Agent finally passes the documents. Besides WWI, admits, that he has been getting special allowance from 1958, in

pursuance of an agreement between the Union and the Bank. He is a supervisor, and he cannot explain the cash department working of the Bank. The important fact to be noticed is, that WWI, is a supervisor, and, therefore, he is getting Rs. 50 allowance. The evidence of WWI, cannot be taken as affording satisfactory proof of the claim of Shri Seth.

25. Next, turning to the evidence of WW2, Shri K. N. Mehrotra, he is Accountant in the Punjab National Bank. This by itself explains the reason, why he is being paid Rs. 50. He says, that he performs the duties in Ext. W/13. Apart from the above, this witness also admits, that he signs the various documents as the first signatory. WW3, is Shri Shayam Sunder, who is an Assistant Cashier, Allahabad Bank. He says, that he is getting Rs. 12, the allowance, due to Assistant Cashier. The duties in Ext. W/13 are performed by the supervisor, and not by him. In my opinion the fact that the duties enumerated in Ext. W/13 are performed by a supervisor, and an Accountant in the Allahabad Bank, and the Punjab National Bank respectively, cannot be taken as establishing the claim of Shri Seth to the supervisory allowance in the Central Bank of India. If we apply the test laid down in the judgment of the Supreme Court, there is lack of evidence, that Shri Seth has been effectively supervising the work of any clerks under him, or that any clerks are working under him. It is important to note, that the above duties, granted by the power of attorney, may have been performed by Shri Seth at Mahoba. It is in evidence, that the Mahoba Office was closed down, and thereafter Shri Seth has been working in the Muthiganj office as Assistant Cashier. The evidence of MWI, Shri M. R. Bhargava, is, that Shri Seth was working as Treasurer's Representative at Mahoba. When this office was closed down, he was transferred as Assistant Cashier to Muthiganj Office. The work, that was done by Shri Seth, while he was in Mahoba Office, in pursuance of the power of attorney did not make him a supervisor, and cannot entitle him to claim supervisory allowance of Rs. 50.

26. In this connection reference has been made on behalf of the management to Ext. M/4, dated 21st May, 1958, a letter sent by the Union to the Bank. There is reference to the fact of Shri Seth having been granted the power of attorney, and the fact of his having discharge certain duties above the level of ordinary routine clerks. The demand was for payment of Assistant Cashiers allowance of Rs. 12 per month with retrospective effect from 1st April 1954, as provided in the Sastry Award. Ext. M/5 is a letter given by Shri Seth, when the Mahoba Office was closed down. He requested, that he might be provided with work in any office of the Bank, and expressed his willingness to work as a clerk, foregoing the special allowance drawn by him. It has been argued on behalf of the Bank, that the above document shows, that the claim was never put-forward, that Shri Seth was doing the duties of a supervisor, and that he was entitled to allowance of Rs. 50, admissible to supervisors. In my opinion, the duties performed by Shri Seth were not such as to bring him within the category of supervisor, in Paragraph 164(b)(9) and he is not entitled to the special allowance of Rs. 50 as claimed on his behalf.

27. It is however argued, that the power of attorney in his favour, still remains unrevoked. The evidence of MWI, shows, that, though the power of attorney was registered, when Shri Seth was working at Mahoba, it was not registered after his appointment in Muthiganj office. No reliance can be placed on the power of attorney, as entitling Shri Seth to claim special allowance of Rs. 50. I find, that Shri Seth was not performing the duties of a supervisor, that he was not supervisor at any time, and that he is not entitled to recover the allowance, admissible to supervisors, in any manner whatsoever.

28. In the second place, the contention on behalf of Shri Seth is, that he is at least entitled to Assistant Cashier's allowance, according to Paragraph 164(b)(5). So far as this claim is concerned, considering the duties performed by Shri Seth, he is entitled to the special allowance, admissible to Assistant Cashiers, doing duties above the level of routine clerks, in units of 5 and above. The various duties performed by him, and referred to even in Ext. W/1, establish, that he was doing duties above the level of routine clerks. Even according to MWI, he was acting as Treasurer's Representative at Mahoba. The evidence of MWI is, that Shri Seth was not permitted to perform the duties in Ext. W/13, in Muthiganj Office. But the fact remains, that the power of attorney has not been revoked. We are not concerned with the motives, which prompted the Bank not to revoke the power of attorney. It at least shows that he has been considered as a person, fit for doing duties above the level of routine clerks. He is entitled to recover the special allowance, payable to Assistant Cashiers at the rate of Rs. 16 per month from 1st April, 1954 to date.

29. In the case of all the three individuals, deduction must be made, of any special allowance, which has been paid to them or on the days on which they acted as Treasurer's Representative, as it is laid down in Paragraph 164(b), that a person is entitled only to one special allowance.

30. Comment has been made about the delay in putting forward the claim, and it has been argued, that retrospective effect should not be given to the claim of the workmen from 1st April, 1954. This objection however is opposed to the principles of the decision in Chandramala Estate (1960 II LLJ 243), wherein the Supreme Court laid down, that the mere fact of delay in putting-forward a claim, did not disentitle the workmen to the benefit thereof. In my opinion, all the three workmen are entitled to the benefit of the special allowance found above, with effect from 1st April 1954, from which date it ought to have been paid to them according to the Sastry Award.

31. In the result, an award is passed as follows:—

(i) The management of Central Bank of India Limited shall pay Sarva-hri R. M. Kapur and M. P. Mehrotra, Shri H. S. Seth special allowance at the rate of Rs. 16 per month, payable to Assistant Cashiers, according to Item 5 of Paragraph 164(b) of the Sastry Award, from 1st April, 1954; subject to this condition, that the Bank may take credit for whatever amount if any, was paid to the said persons by way of special allowance, as Treasurer's Representative or on the days they acted as such.

(ii) There will be no order as to costs.

(Nineteen pages).

The 24th February, 1961.

Sd/- E. KRISHNA MURTHI,  
Central Govt. Industrial Tribunal, Delhi.  
[No. LR/II/10(91)/59.]

New Delhi, the 16th March, 1961.

**S.O. 638.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to the Bombay Port Trust, Bombay and their workmen.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY**

REFERENCE NO. CGIT-34 OF 1960.

Employers in relation to the Bombay Port Trust.

AND

their workmen represented by the Bombay Port Trust Employees' Union.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

BOMBAY: the 6th March, 1961

APPEARANCES:

*For the employers.*—Shri M.R.S. Captain, Legal Adviser, Bombay Port Trust with Shri B. M. Mehta and Shri H. P. Tavadia.

*For the workmen.*—Shri S. J. Deshmukh, Assistant Secretary; Bombay Port Trust Employees' Union.

Shri G. H. Kale, General Secretary and Shri S. Maitra, General Secretary, Bombay Port Trust General Workers' Union, with Shri R. G. Patil, Treasurer, for the workmen represented by Bombay Port Trust Railwaymen's Union.

STATE: Maharashtra.

INDUSTRY: Ports and Docks.

**AWARD**

The Government of India, Ministry of Labour and Employment, by Order No. 28/63/60/LR. IV, dated 5th November, 1960 was pleased on a joint application dated 11th October, 1960, by the employers in relation to the Bombay Port

Trust and the Bombay Port Trust Employees' Union for reference of an industrial dispute to a Tribunal in respect of the matters set forth in the said application which is reproduced below, to refer to me for adjudication in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947.

"Whether or not Shri Amar Teau and Shri Babulal Nohar should be promoted to the posts of Holdermen in the Wagon Repair Shop in accordance with the orders of the Chief Engineer, Bombay Port Trust".

2. After the usual notices were issued, the Bombay Port Trust Employees' Union filed its statement of claim dated 31st January, 1961. A written statement of claim was also received from the General Secretary of the Bombay Port Trust Railwaymen's Union dated 23rd December, 1960. The Bombay Port Trust filed its written statement in reply on 20th February, 1961, and the dispute was thereafter taken up for hearing before me on 21st February, 1961 at which hearing Shri S. J. Deshmukh did not object to the appearance of the office bearers of the Bombay Port Trust Railwaymen's Union as representing that union.

3. This dispute concerns the question whether Shri Amar Teau and Shri Babulal Nohar, two employees of the Sick Side Section should be promoted to the posts of holdermen in the wagon repair shop in accordance with the order of the Chief Engineer, Bombay Port Trust. The Bombay Port Trust Employees' Union, which is represented at this hearing by Shri Deshmukh, has been opposing the appointment of these two workmen to posts of holdermen with effect from 1st October, 1958, whilst the Bombay Port Trust supports the order of its Chief Engineer. The Bombay Port Trust Railwaymen's Union supports the claim of these two workmen to be promoted to the posts of holdermen.

4. After I had heard the representatives of the parties at considerable length on the merits of the subject matter of the dispute, the representatives of the parties appeared before me on 6th March, 1961, and recorded the following agreement reached between them and prayed that an award be made in terms thereof, and as I am satisfied that the terms of settlement are fair and reasonable and in the interest of industrial peace, I make an award in terms thereof:—

#### AGREEMENT

"Parties are agreed that the appointment of Shri Babulal Nohar, as Holderman shall be confirmed with effect from 1st October, 1958.

With regard to Shri Amar Teau parties are agreed that he shall continue in the post of Assistant Blacksmith, without prejudice to his right to claim either officiating or permanent appointment to the posts of Boilermaker and/or Rivetter and/or Blacksmith in the scale of pay prescribed for those posts. It is further agreed that Shri Amar Teau shall rank Senior to Shri Babulal Nohar and the other employee to be appointed as Holderman for the purposes of appointment to any post higher than that of Holderman.

Parties are agreed that Shri Gopal Rama, who at present holds the post of Helper shall be offered the post of Holderman and in the event of his not accepting the offer, the same shall be offered to Shri Bahadur Lochan, who also holds the post of Helper".

5. Before I take leave of this dispute, I think it only fair, to record that in my opinion the order of the Chief Engineer, Bombay Port Trust, promoting Shri Amar Teau and Shri Babulal Nohar, to the newly created two posts of Holdermen in the Wagon Repair Shop, with effect from 1st October, 1958, was perfectly correct and justified.

6. No order as to costs.

Sd/- SALIM M. MERCHANT,  
Presiding Officer,  
Central Government Industrial  
Tribunal, Bombay.

Bombay, the 6th March, 1961.

[No. 28/63/60/LRIV].  
G. JAGANNATHAN, Under Secy.



*New Delhi, the 20th March 1961*

**S.O. 639.**—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 26th March, 1961, as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force), Chapter V and Chapter VI (except sub-section (1) of section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas of the State of Uttar Pradesh namely:—

1. The areas within the municipal and cantonment limits of Meerut and revenue villages of:—
  - (i) Khurrampur;
  - (ii) Mustafabad Bukharpura;
  - (iii) Maliana; and
  - (iv) Dantal
 in pargana and tehsil Meerut, district Meerut.
2. The areas within the municipal limits of Moradabad.
3. The areas within the municipal limits of Firozabad, district Agra.

[F. No. 13(3)/61-HI.]

BALWANT SINGH, Under Secy.

*New Delhi, the 20th March 1961*

**S.O. 640.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Manhe China Clay Mine, Post Office Charhu, Lohardaga and their workmen.

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

*Reference No. 42 of 1960.*

#### **PARTIES:**

Employers in relation to the Manhe China Clay Mine, P.O. Charhu, Lohargada.  
AND

Their workmen.

#### **PRESENT:**

Shri Salim M. Merchant, B.A.L.L.B., Presiding Officer, Central Government Industrial Tribunal, Dhanbad.

*Dhanbad, dated the 11th March 1961.*

#### **APPEARANCES:**

*For the employers:*

Shri A. K. Chatterjee, Officer in Charge and Shri B. Dutt, Manager, Manhe China Clay Mine.

*For the workmen:*

Shri D. Narsingh, Advocate, instructed by Shri Fakir Mohammad, President, and Shri Arjun Prasad Pandey, Joint Secretary, Ranchi District Bauxite and China Clay Mines Employees' Union.

STATE: Bihar.

INDUSTRY: Mining (China Clay).

#### **AWARD**

The Government of India, Ministry of Labour & Employment by Order No. 23/6/60-LRII, dated the 15th September 1960, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 47), was pleased to refer this industrial dispute of adjudication to the Industrial Tribunal, Dhanbad, constituted by Section 7A of the said Act, in respect of the matters specified in the following schedule to the said order:

"Having regard to the duties performed by the workmen in the Manhe China Clay Mine, Lohardaga, what should be the designation and the all inclusive rates of wages payable to each category of workmen employed therein and from what date after the 11th January 1960."

2. Thereafter, as a vacancy occurred in the office of the Presiding Officer of the Central Government Industrial Tribunal, Dhanbad, constituted by the order of the Government of India in the Ministry of Labour & Employment No. S.O. 103 dated the 11th January 1960 the Central Government was pleased by Order No. F.21(1)/61-LR III, dated 16th February 1961 made in pursuance of the provisions of Section 8 of the Industrial Disputes Act, 1947 (XIV of 47), to appoint me as the Presiding Officer of the Industrial Tribunal constituted as aforesaid. The dispute was, thereafter, heard by me at Dhanbad on 9th March 1961.

3. At the hearing Shri D. Narsingh, Advocate, for the Ranchi District Bauxite and China Clay Mines Employees' Union (hereinafter referred to as the union) stated that in this mine there are only two categories of employees, namely, piece-rated and the daily rated, and that this reference does not cover the piece-rated workmen for whom no demand had been made by this union, and that the union was not pressing the question of further sub-dividing the designations among the daily rated workmen. In other words, what the union wants in this reference is the fixation of an all inclusive minimum wage for the daily rated workmen employed in this mine.

4. It was stated at the hearing that there are about 45 worker employed in this mine, half of whom are women workers. The total number of piece-rated workers employed is only about 3 to 4. Since January 1960 the management was paying the daily rated male worker the wage of Rs. 14 (0.86 Np) and the female labour Rs. 10 (0.62 Np) per day and that since January 1961 this has been raised to Rs. 15 (0.94 Np) and Rs. 11 (0.69 Np), respectively. It is admitted that this mine is situated about 50 miles from Ranchi town. According to the union the mine is situated in or in the proximity of an industrial area whilst the management's contention is that the mine is located in a predominantly agricultural area. It is, however, admitted that within a radius of 10 to 12 miles there are four bauxite mines where the minimum wage paid to the workers is Rs. 1.25 Np per day. This was admitted by Shri A. K. Chatterjee, representing the management, who, however, stated that the aluminium mines do not employ any female labour.

5. With the proximity of the bauxite mines within a radius of about 12 miles, it is difficult to hold that the area where these mines are situate should be governed by the considerations of the area being predominantly agricultural. It is also admitted that there is at least one other china clay mine namely Charhu China Clay mine whose workmen have also raised an industrial dispute (Reference No. 43 of 1960) which is in close proximity of this mine and which according to the officer in charge of this mine employs almost an equal number of workmen. It may here be noted that these mines are seasonal, as they do not work during the rainy season, because of the working being of the open cast system.

6. The history of the dispute is that on 6th January 1960 this union had submitted a set of six demands on this concern by which, *inter alia* it had demanded a daily wage of Rs. 1.25 Np per day for the female worker and Rs. 1.50 Np for the male worker. It had in addition demanded grain concession at 4 seers pucca per rupee for workmen. The remaining demands related to permanency in service, 7 paid holidays in a year as per Mines Act, 1952, construction of rest sheds, latrines etc. and for recognition of the union. There seems to have been a settlement on the demand regarding permanency, the management having agreed to make a certain number of workmen permanent. That settlement appears to have been entered into on 18th February 1960 before the Conciliation Officer. But there was no settlement on the rest of the demands.

7. At the hearing before me the union wanted the minimum wage of Rs. 1.25 Np per day for both male and female workers. But in its demands made on 6th January 1960 the union had claimed the wage of Rs. 1.25 Np per day for the female worker and Rs. 1.50 Np for the male worker. The union cannot therefore be allowed to claim at the time of hearing of this dispute a higher wage of Rs. 1.50 Np for the female worker.

8. The management in its written statement dated 21st November 1960 has opposed any increase in its existing wages. It has stated that the daily rated labour is only engaged in processing of ores obtained from the mine; that the labour employed in this mine is mainly agricultural, which still has attachment to its lands and which, therefore, leaves the mines during the cultivating season from July to December leaving a strength of only 7 to 8 hands to work the mines; that the workers do not return to work till the harvesting season is over in December. Thus the mining operations virtually remains suspended during the months of July to December in each year. The management has urged that the wages paid by it are the prevalent wages in the local area and that the mine cannot afford to pay any higher wages. It has stated, but has failed to adduce any evidence to

prove, that the prevailing rates of wages in the neighbourhood for agricultural labour is between As. 8 to As. 9 for female workers and As. 12 to As. 13 for male workers. Shri Chatterjee further sought to rely upon a certificate from the Panchayat at Hesuah to the effect that the male mazdoors were paid at the rate of Rs. 1/-, and the female workers As. 10/- per day in that area. But the certificate does not state whether it has reference to agricultural or industrial labour and the same was also not proved in a proper manner.

9. As I have stated earlier the question that falls for consideration in this reference is as to what should be the minimum wage for the workers of this mine. In fixing the minimum wage the well recognised principle of industry-cum-region should be followed. It appears that in the Ranchi District there are in all four China Clay mines of which only two are now surviving and that the question of wages in both these mines is under dispute before me in this reference and Reference No. 43 of 1960. There are 1 was told some old China Clay mines, some of them as old as 80 years, situated in the districts of Chaibasa and Palamau. But they are about 140 miles from Ranchi District and cannot form any proper basis for comparison. Besides, there is no evidence as to what are the wages paid in those mines. There is no doubt that the existing wage paid by this mine is extremely low and one not sufficient enough to provide a subsistence wage. The only other china clay mine working in the neighbourhood namely the Charu China Clay mine, which is concerned in Reference No. 43 of 1960, also, according to Shri Chatterjee, pays the same rates of wages as this mine. But compared to the rate of minimum wages paid by other industries in the close proximity of these mines, there is no the least doubt that the wages paid by these clay mines are heavily depressed. The bauxite mines are paying a minimum wage of Rs. 1.25 nP. per day to its unskilled workmen. It is admitted that under the Minimum Wages Act, 1948 (XI of 48) the Bihar State Government by its Labour Department Notification No. W. 3-1045/52L-42D dated 29th March 1952 has been pleased to fix the minimum all inclusive wage of Rs. 1.25 nP. per day for employment in stone breaking and stone crushing in the State of Bihar and for those employed in the D.V.C. It is also admitted that by another notification No. W. 3.1016/52L-42A dated 29th March 1952 of the Government of Bihar the minimum wage of Rs. 1.25 nP. per day was also fixed for unskilled mazdoors employed in road construction and building operations in the State of Bihar and the D.V.C. area. The minimum wage paid to a miner in the coal mines throughout the country is approximately Rs. 2.62 nP. per day, which does not include the payment of quarterly bonus. The management was not able to cite an instance of any industry of mine in its neighbourhood which was paying wages at the low rates at present paid by these two clay mines or was paying a minimum wage of less than Rs. 1.25 nP. per day.

10. The management has not in its written statement pleaded its financial incapacity to pay the higher scales of pay demanded by the union. But at the hearing Shri Chatterjee stated that it would be beyond the capacity of this concern to meet the rise in its wage bill if the wages were to be raised as demanded by the union. But it is now well settled law, as laid down by the Hon'ble Supreme Court in the case of the Crown Aluminium works and their workmen (1958, Vol. I L.L.J. page 1), that in wage fixation the one principle of industrial law which admits of no exception is that no industry has a right to exist unless it is able to pay the bare minimum wage.

11. Considering the rates of wages paid by other industrial concerns in close proximity to this mine, and considering the minimum wages fixed by the State of Bihar by the Minimum Wages Act, I am satisfied that a minimum wage of Rs. 1.25 nP. per day, which would be inclusive of dearness allowance, for the daily rated workmen of this mine, is justified.

12. The next question that arises is whether the same rate of wages should be fixed for both the male and female workers. In this mine almost 50 per cent of the daily rated employees consist of female workers who are at present paid the very low rate of pay of As. 10 per day. The management has pleaded that the increase from As. 10 to 1.25 nP. per day would be a steep rise and would impose a heavy increase in its monthly wage bill. But the principle of equal pay for equal work for male and female workers has now been enshrined in our Constitution. The principle of equal pay for equal work has been recognised by the Labour Appellate Tribunal for the coal industry. It is not denied that the time-rated female workers do the same and equal quantity of processing work as the time-rated male workers. The principle of equal pay for equal work is now well accepted by most Industrial Tribunals. The Government of India is committed to the same principle and has adopted the convention of the I.L.O. to that effect. I am, therefore, not prepared to fix a lower minimum pay for women employees than for the male workers. I, therefore, reject the contention of the management and fix the rate of Rs. 1.25 nP. for both male and female time rated workers in this mine.

13. The last question to decide is from what date the prescribed rates in this award should be given effect to. Under the order of reference the new rates of pay to be fixed can be given effect to only after 11th January 1960. Evidently that date has been mentioned because the demand for revision of wages was made by the union in January 1960. However, in giving the retrospective effect I must also consider the burden that will be imposed on the industry. This dispute was referred to this Tribunal by the Government's order dated 15th September 1960 and after anxious considerations of the submissions of the parties I am satisfied that the ends of justice would be met, if the new rates of wages were to be granted with effect from 1st October 1960, and I direct accordingly.

14. I further direct that all payments under this award shall be made within thirty days of the award becoming enforceable.

15. As the workmen have succeeded, I award Rs. 50/- (fifty) as costs in favour of the union.

*Dhanbad, the 11th March 1961*

Sd/- SALIM M. MERCHANT,  
Presiding Officer,  
Central Government Industrial Tribunal, Dhanbad.

[No. 23/6/60-LRIL.]

**S.O. 641.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Charhu China Clay Mine, P.O. Charhu, Lohardaga and their workmen.

### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

Reference No. 43 of 1960.

#### Parties:

Employers in relation to the Charhu China Clay Mine, P. O. Charhu Lohardaga,

AND

Their workmen.

#### PRESENT

Shri Salim M. Merchant, B.A.L.L.B., Presiding Officer. Central Govt. Industrial Tribunal, Dhanbad.

*Dhanbad, dated the 10th March 1961*

#### Appearances:

No appearance for the company.

Shri D. Narsingh, Advocate, instructed by Shri Fakir Mohammad, President and Shri Arjun Prasad Pandey, Joint Secretary, Ranchi District Bauxite and China Clay Mines Employees' Union.

STATE: Bihar.

INDUSTRY: Mining (China Clay).

#### AWARD

The Government of India, Ministry of Labour & Employment, by Order No. 23/7/60-LR.II dated the 15th September 1960, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 47) was pleased to refer this industrial dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under Section 7A of the said Act, in respect of the matters specified in the following schedule to the said Order:

"Having regard to the duties performed by the workmen in the Charhu China Clay Mine, Lohardaga what should be the designation and the all inclusive rates of wages payable to each category of workmen employed therein and from which date after the 11th January 1960?"

2. Thereafter, as a vacancy occurred in the office of the Presiding Officer of the Central Government Industrial Tribunal Dhanbad, constituted by the order of the Government of India in the Ministry of Labour & Employment No. S.O. 103 dated the 11th January 1960, the Central Government by Order No. F.21(1)/61-LR.III dated 16th February 1961 was pleased in pursuance of

the provisions of Section 8 of the Industrial Disputes Act, 1947 (XIV of 47), to appoint me as the Presiding Officer of the Industrial Tribunal, Dhanbad, as aforesaid. I am to state that after the reference was made notice was served upon the Manager of the employer company, Messrs. West Bengal Trading and Supply Company, P.O. Charhu, Lohargada (Ranchi District) by registered post, for its written statement in reply and that the company filed its rejoinder by its covering letter dated 23rd December 1960 which was received by this Tribunal on 27th December 1960. The notice of hearing fixed for 9th March 1961 was also forwarded by registered post at the same address and it appears from the postal acknowledgement that the same was received on 1st March 1961. However, no one appeared at the hearing of this dispute on behalf of the management though it was duly served. The dispute was therefore heard ex-parte.

3. At the hearing it was stated on behalf of the Ranchi District Bauxite and China Clay Mines Employees' Union (hereinafter referred to as the union) that in this mine there are only two categories of employees, namely, piece-rated and the daily rated, and that this reference does not cover the piece-rated workmen for whom no demand had been made by this union and that the union was not pressing the question of further sub-dividing the designations among the daily rated workmen. In other words, what the union wants in this reference is the fixation of an all inclusive minimum wage for the daily rated workmen employed in this mine.

4. It appears that this China Clay mine is also situated at Charu, Lohardaga in close proximity of the Manhe China clay mine which is concerned in the industrial dispute in Reference No. 42 of 1960 before this Tribunal and the same submissions were made by Shri Narsingh, Advocate, in support of his demand for a minimum wage of Rs. 1.50 nP. per day for both the male and female time rated workers of this mine. It also appears that this mine employs about 50 workmen on daily wages of which 30 are women. It is thus employing about the same number of daily rated workers as are employed by the Manhe China Clay mine. The raising in this mine is the same as in the Manhe China Clay mine as stated by Shri Chatterjee, officer in charge of the Manhe China Clay mine in the dispute in Reference No. 42 of 1960. The union has made same demands against this mine as it had made against the Manhe China Clay mine. It was stated at the hearing by the union that this mine is paying As. 14 per day to its male workers and As. 10 to the women workers. Shri Chatterjee officer in charge of the Manhe China Clay mine in the hearing of the dispute in Reference No. 42 of 1960 had stated that this mine (Charu) was also paying its male workers As. 15 (94 nP.) and its women workers As. 11 (69 nP.).

5. The management in its written statement dated 23rd December 1960 has, in opposing the demand, stated that the company is running at a loss; that the workmen employed by it are unskilled casual local labourers and they work at their will. That the labourers employed in the mine are local cultivators of the hereby villages and they work only when there is no work for them in the fields and that they come to this mine when there is no work on their lands. That an increase of Re. 0-1-0 in their wages had been given to the workmen from December 1959. That for these reasons it is not possible for the company to increase the rate especially when the company is not making any profits at all. The union has denied these allegations. As I have stated earlier the management did not appear at the hearing to support the statements made by it in its written statement.

6. The union has denied that this company is not making any profits and its contention is that this mine is in the same financial position as the Manhe China clay mine because it employs about the same number of workmen and its production is also about the same. As I have stated in my award in Reference No. 42 of 1960 (Manhe China Clay mines dispute) the one principle of industrial law which admits of no exception is that no industry has a right to exist when it cannot pay its workmen their minimum wage. For the reasons stated in my award in Reference No. 42 of 1960 in the dispute in the Manhe China clay mine dispute, I am satisfied that Rs. 1.25 nP. should be the minimum wage fixed for the unskilled workmen employed in the Manhe China clay mine, per day for both male and female employees of this concern. I also direct that the same should be granted with retrospective effect from 1st October 1960, and that the amount found due to the workmen under this award should be paid to them within 30 days from the date this award becomes enforceable.

7. Since the workmen have succeeded in this dispute, I award Rs. 50 (fifty) to the union as costs.

(Sd.) SALIM M. MERCHANT,  
Presiding Officer,  
Central Govt. Industrial Tribunal, Dhanbad.

Dhanbad, 11th March 1961.

[No. 23/7/60-LRII.]

#### ORDER

*New Delhi, the 18th March 1961*

**S.O. 642.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Ballarpur Colliery, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the management of Ballarpur Colliery was justified in terminating the services of (i) Shri Vithoo Suka, Haulage Mazdoor, (ii) Shri Bapurao Tukaram Brahmane, Haulage Mazdoor, (iii) Shri Bapurao Tukaram Wanakhede, Haulage Mazdoor, (iv) Shri Madgul Chandraya Rajam, Haulage Mazdoor, (v) Shri Dasar Pocham, Dresser, and (vi) Shri Madgul Yella, Trammer of Ballarpur Colliery? If not, what relief should be given to them?

[No. 2/39/61-LRII.]

A. L. HANDA, Under Secy.

#### MINISTRY OF INFORMATION & BROADCASTING

*New Delhi, the 15th March 1961*

**S.O. 643.**—It is notified for general information that Shri G. D. Parikh has retired from the membership of the Advisory Panel of the Central Board of Film Censors at Bombay, with effect from the 27th February 1961.

[No. 11/2/59-FC.]

S. PADMANABHAN, Under Secy.

#### MINISTRY OF FINANCE

(Department of Expenditure)

*New Delhi, the 9th March, 1961*

**S.O. 644.**—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendment in the Delegation of Financial Powers Rules, 1958 (published as S.O. 2614 in the Gazette of India, dated the 20th December, 1958), namely:

#### Amendment No. 89

I. In Schedule I to the Rules, under 'D-Ministry of Finance (Economic Affairs Department)', delete the existing entry at Serial No. 7, viz., 'Director, Enforcement Unit.'

II. In the said Schedule, under 'E-Ministry of Finance (Revenue Department)', insert the following:

'13—Director, Enforcement Unit.'

(This amendment takes effect from the 1st December, 1960).

[No. 19(3)-E.II(A)/61.]

C. R. KRISHNAMURTHI, Dy. Secy.

**(Department of Expenditure)**

*New Delhi, the 10th March 1961*

**S.O. 645.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following further amendments in the Civil Service Regulations, namely:—

1. These Regulations may be called the Civil Service (Eighth Amendment) Regulations, 1961.

2. In the said Regulations, in Article 960, the following Note shall be inserted at the end, namely:—

“NOTE.—The powers of the ‘Local Government’ under this Article will be exercised by the respective Ministries/Departments of the Government of India. In case of the Indian Audit and Accounts Department, the same will be exercised by the Comptroller and Auditor General of India.”

[No. F. 25(8)-EV/60.]

*New Delhi, the 16th March 1961*

**S.O. 646.**—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following Regulations to amend the Civil Service Regulations, namely:—

1. These Regulations may be called the Civil Service (Tenth Amendment) Regulations, 1961.

2. In the Civil Service Regulations,

(i) to clause (b) of Article 470, the following proviso shall be added, namely:—

“Provided that in cases where the authority sanctioning pension is other than the appointing authority, no order regarding reduction in the amount of pension shall be made without the approval of the appointing authority”.

(ii) In clause (c) of Article 913,—

(a) For the first sentence, the following sentence shall be substituted, namely:—

“The Local Government, the Head of a Department or any authority competent to fill the post vacated by the retiring officer shall be competent to sanction pension.”, and

(b) the following Note shall be added at the end, namely:—

“Note.—Notwithstanding anything in this clause, the Comptroller and Auditor General shall be the authority competent to sanction pension of officers of the Indian Audit and Accounts Service.”

[No. F. 4(18)-EV(C)/61.]

RABI RAY, Dy. Secy.

**(Department of Economic Affairs)**

*New Delhi the 17th March 1961*

**S.O. 647.**—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the Provisions of section 11 of the said Act shall not apply to the Moolankuzhi Union Bank Ltd., Thoppumpady, for a period up to and including the 30th September, 1961.

[No. F.4(7)-BC/61.]

**S.O. 648.**—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 11 of the said Act shall not be applicable to the Union Bank of Bijapur

and Sholapur Ltd., Bijapur, till the expiry of the 31st day of March, 1962, in so far as the said section would, by reason only of the territorial changes and formation of new States under the provisions of the States Reorganisation Act, 1956 (37 of 1956), require it to have paid-up capital and reserves of an aggregate value which is higher than the aggregate value of paid-up capital and reserves which it was required to have under the said section on the 31st October, 1956.

[No. F. 4(7)-BC/61.]

**S.O. 649.**—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that in the case of the under-noted banking companies, the provisions of section 11 of the said Act shall not apply up to and including the 31st March, 1962.

1. Cochin Nayar Bank Ltd., Trichur.
2. Colony Bank Ltd., Ludhiana.
3. G. Raghunathmull Bank Ltd., Hyderabad (Deccan).
4. Oriental Union Bank Ltd., Kaduthuruthy.
5. Prabartak Bank Ltd., Calcutta.
6. Suburban Bank (P) Ltd., Trichur.

[No. F. 4(7)-BC/61.]

D. N. GHOSH, Under Secy.



(Department of Economic Affairs)

New Delhi, the 15th March 1961

**S.O. 650.**—Statement of the Affairs of the Reserve Bank of India, as on the 10th March, 1961.

## BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up . . . . .	5,00,00,000	Notes . . . . .	11,40,11,000
Reserve Fund . . . . .	80,00,00,000	Rupee Coin . . . . .	2,19,00,000
National Agricultural Credit (Long-term Operations) Fund . . . . .	40,00,00,000	Subsidiary Coin . . . . .	5,75,000
National Agricultural Credit (Stabilisation) Fund . . . . .	5,08,00,000	Bills Purchased and Discounted :—	
		(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills . . . . .	37, 4,69,000
<b>Deposits :—</b>			
(a) Government			
(1) Central Government . . . . .	55,42,16,000	Balances held abroad* . . . . .	30,84,03,000
(2) Other Governments . . . . .	6,26,66,000	Loans and Advances to Governments** . . . . .	48,71,31,000
(b) Banks . . . . .	73,87,09,000	Other Loans and Advances† . . . . .	158,23,76,000
(c) Others . . . . .	88,94,66,000	Investments . . . . .	118,71,23,000
Bills Payable . . . . .	23,94,16,000	Other Assets . . . . .	19,17,25,000
Other Liabilities . . . . .	46,45,59,000		
<b>RUPEES</b>	<b>424,90,32,000</b>	<b>RUPEES</b>	<b>424,90,32,000</b>

\*Includes Cash & Short-term Securities.

\*\*Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 29,30,00,000/- advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

Dated the 15th day of March, 1961.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 10th day of March, 1961.

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department . . . .	11,40,11,000		A. Gold Coin and Bullion :—		
Notes in circulation . . . .	1979,96,02,000		(a) Held in India . . . .	117,76,03,000	
Total Notes issued . . . .		1991,36,13,000	(b) Held outside India . . . .	..	
			Foreign Securities . . . .	118,00,89,000	
			TOTAL OF A . . . .		245,76,92,000
			B. Rupee Coin . . . .		118,32,45,000
			Government of India Rupee Securities		1627,26,76,000
			Internal Bills of Exchange and other commercial paper . . . .		..
TOTAL LIABILITIES . . . .		1991,36,13,000	TOTAL ASSETS . . . .		1991,36,13,000

Dated the 15th day of March, 1961.

M. V. RANGACHARI,  
Dy. Governor.

[No. F. 3 (2)-BC/61.]

A. BAKSI, Jt. Secy.

**(Department of Revenue)**

**INCOME-TAX**

*New Delhi, the 18th March 1961*

**S.O. 651.**—The Indian Council of Medical Research, New Delhi, the “prescribed authority” having approved the Kasturba Medical College, Manipal, for the purposes of clause (xiii) of sub-section (2) of section 10 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Government hereby makes the following further amendment in the list appended to the notification of the Government of India in the late Finance Department (Revenue Division) No. 34-Income-tax, dated the 23rd November, 1946, namely:

In the said list, under the heading “Colleges”, after item No. 27, the following item shall be inserted, namely:—

“28 Kasturba Medical College, Manipal”.

[No. 18(F, No. 10/18/61-IT(AI).]

H. A. SHAH, Dy. Secy.

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**(Department of Revenue)**

**INCOME-TAX ESTABLISHMENT**

*New Delhi, the 18th March 1961*

**S.O. 652.**—In pursuance of clause (b) of Sub-rule (ii) of rule 2 of the Appellate Tribunal Rules, 1946, the Central Government has been pleased to appoint Shri R. S. Ghalot, Income-tax Officer, Class I, as Authorised Representative, Income-tax Appellate Tribunal, with effect from the 27th January, 1961 (Forenoon), to appear, plead and act for any Income-tax authority who is a party to any proceeding before the Income-tax Appellate Tribunal.

[No. 60.]

D. SUBRAMANIAN, Dy. Secy.

